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ZONING BYLAWS

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**Prepared by the Landgrove Planning
Commission with the assistance of the
Bennington County Regional
Commission.**

**Adopted 8 June 2017 by the Landgrove
Selectboard.**

**Town of Landgrove
88 Landgrove Road, Landgrove, Vermont 05148**

ARTICLE I: ADMINISTRATION AND PROCEDURE

SECTION 110: ENACTMENT AND INTENT

111 - Enactment. In accordance with the Vermont Planning and Development Act, Chapter 117, Title 24 Vermont Statutes Annotated (V.S.A.), hereinafter referred to as “the Act,” there is hereby established the Town of Landgrove Zoning Bylaws as set forth in the text and map which constitute these Bylaws.

112 - Intent. It is the intent of the Landgrove Zoning Bylaw to provide for orderly community growth and to further the purposes established in Section 4302 of the Act.

113 - Effective Date of these Bylaws. This Bylaw shall take effect in accordance with the procedures contained in Section 4385 of the Act.

SECTION 120: APPLICATION OF BYLAWS

The application of these Bylaws is subject to the provisions of the Act.

121 – Construction Approved Prior to Adoption or Amendment to Bylaws. Nothing contained in these Bylaws shall require any change in plans or construction of a noncomplying structure for which a zoning permit has been issued, and which has been completed within one year from the effective date of these Bylaws.

122 – Other Permits or Regulations. These Bylaws are intended to repeal the previous Town of Landgrove Zoning Bylaw, but are not intended to repeal, annul, or in any way impair any other regulations or permits previously adopted or issued. Moreover, these Bylaws are not intended to annul any easements, covenants, or other agreements between parties.

Applicants for a zoning permit for the use of a structure or land shall be solely responsible for meeting the requirements of all other applicable local, state, and federal permits.

123 – Conflicting or Overlapping Provisions. In any case where the provisions of these Bylaws overlap or conflict in their application to a particular structure, use, or parcel of land, those provisions that would impose the greater restriction upon such structure, use, or parcel of land shall control.

124 – Interpretation. In their interpretation and application, the provisions of these Bylaws shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. These Bylaws are intended to implement the goals and policies of the Town Plan by providing for appropriate future land uses, densities, and intensities of development.

125 – “Land Development” requires a zoning permit. As provided for in Section 4303 of the Act, and as further defined herein, land development shall include the following:

- a. The division of a parcel of land into two or more parcels (land subdivision).
- b. The construction, reconstruction, conversion, relocation, or enlargement of a structure (see definition of “structure” in Article VII), and construction of a dormer or demolition of a structure within the Utley Flats Scenic Overlay District.
- c. Structural alterations which result in a structure with wider, longer, or taller dimension, and/or which result in a reduction in any established setback distance.
- d. The construction of ponds or other impoundments (see definition of impoundment).
- e. Any change in the use or extension in the use of land or structures (see definition of “change of use” in Article VII).
- f. Interior or exterior construction related to the installation of a new onsite wastewater treatment and disposal system or the replacement of a failed or failing system. Permits for new or modified onsite wastewater treatment and disposal systems are issued by the Vermont Department of Environmental Conservation.

126 – Zoning Permit Exemptions. The following shall not be considered “land development”¹ and shall not require a zoning permit:

- a. The placement or construction of a tool shed, pump house, dog house, deck, or other such accessory structures, provided that the floor area of the structure does not exceed 144 square feet and does not exceed 12 feet in height, and provided that such a structure is located no closer than the setbacks required in the zone in which it is located. This exemption does not apply to accessory structures in the Utley Flats Scenic Overlay District.
- b. The interior repair, alteration, or renovation of any building or structure, so long as the activity does not change the use of the building or structure.
- c. Any exterior repairs, renovations, or maintenance, which do not change the existing footprint or dimensions, or the use of a building or structure. The addition of chimneys or vent pipes shall be included in this exemption.
- d. Agricultural uses, except that no farm structure, as defined in Section 4413(d) of the Act, shall be constructed until a written notice of intent to build is filed with the Administrative Officer, and such farm structure shall conform to all setback requirements of the zone in which it is located unless specifically approved otherwise by the Secretary of Agriculture, Food, and Markets.

¹ These exemptions shall apply unless regulated otherwise in Flood Hazard Areas as outlined in Article VI of this Bylaw or in the Utley Flats Scenic Overlay District as outline in Article V.

- e. Forestry uses including those activities associated with the sustained management of land for silvicultural purposes such as the planting, harvesting, and removal of trees.
- f. The construction or reconstruction of a driveway, private roadway, or logging road; however, an access permit for driveways and private roadways must be secured from the Board of Selectmen.
- g. Signs listed in Section 363 of these Bylaws.

127 – Existing Use of Buildings, Structures, and Land. Any lawful building, structure, or use of a building, structure, or land, to the extent to which it was used at the time of adoption of these Bylaws, may continue even though such building, structure, or use does not conform to the provisions of the district in which it is located, subject to the specific provisions of Section 340 of these Bylaws.

SECTION 130: ADMINISTRATION AND ENFORCEMENT

131 – Administrative Officer. The Administrative Officer is appointed to administer the Landgrove Zoning Bylaws in accordance with Section 4448 of the Act. Said Officer shall literally enforce the provisions of these Bylaws and in so doing shall inspect developments, maintain records, and perform all other necessary tasks to carry out the provisions of these Bylaws and the duties of his/her office. An Acting Administrative Officer may be appointed to carry out these duties and responsibilities in the absence of the Administrative Officer, as provided for in Section 4448 of the Act.

132 – Zoning Permits. After the effective date of these Bylaws, no “land development,” as such term is defined in Article VII and Section 125 may be commenced in the Town until a zoning permit has been duly issued by the Administrative Officer.

132.1 – Application. The Administrative Officer shall issue a zoning permit only if ALL of the following requirements are met:

- a. A zoning permit application form as established by the Planning Commission, including plot plan requirements, has been properly completed and submitted.
- b. A zoning permit fee, as established by the Board of Selectmen in accordance with Section 4440 of the Act, has been paid. Fees are nonrefundable.
- c. A Town highway access permit as required shall be submitted.
- d. A state-issued wastewater disposal permit for any development requiring sewage disposal.

- e. If a proposed use requires other State permits (including, but not limited to, an Act 250 permit, a Labor and Industry permit, or a Health Department permit), a completed, signed project review sheet from the Vermont Agency of Natural Resources and Environmental Board (or the actual permits, if available) shall be submitted.
- f. All applicable local reviews and approvals have been secured, including but not limited to: site plan approval, conditional use approval, PUD approval, right-of-way approval, and the granting of a variance or waiver where required under the provisions of these Bylaws.
- g. Copies of all previously issued zoning permits, right-of-way approvals, and other Town or State land use permits affecting the subject property, including any conditions to those approved permits, have been submitted.

132.2 – Action. The Administrative Officer shall approve or deny a complete application for a zoning permit or, if required, refer such application to the Planning Commission or Board of Adjustment within thirty (30) days of acceptance of the complete application.

No zoning permits shall be issued except in conformance with the provisions of these Bylaws and with the submission of all required approvals. If the Administrative Officer fails to act with regard to such application for a permit within thirty (30) days, a permit shall be deemed issued on the 31st day. When a zoning permit is denied by the Administrative Officer, he/she shall so notify the applicant in writing, stating the reasons for denial.

132.3 – Effective Date of Zoning Permit. No zoning permit issued by the Administrative Officer shall take effect until fifteen (15) days have passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the Board of Adjustment is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. Section 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

132.4 – Public Notification of Issued Permit. Within three (3) days following the issuance of a zoning permit, the Administrative Officer shall deliver a copy of the permit to the Board of Listers and shall post a copy of the permit in at least one public place in the Town until the expiration of fifteen (15) days from the date of issuance of the permit. The applicant must also post a permit notice, in a form prescribed by the Town, within view of the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed.

132.5 – Permit Expiration. All activities authorized by the issuance of a zoning permit shall be started within twelve (12) months and shall be completed within eighteen (18) months of its date of issue or the zoning permit shall become null and void. Activities shall be considered complete when all construction authorized by the permit have been completed and all building and site improvements required by the permit have been effected. Two six month permit renewals shall be issued by the Administrative Officer, for the activities specified in the original permit, upon application for such renewals; however, after thirty (30) months of the date of the original issuance, the zoning permit cannot be renewed and reapplication is required to complete any activities covered by the permit.

133 - Violations and Penalties. A violation of these Bylaws shall be regulated as prescribed in Sections 4451, 4452, and 4454 of the Act. Subject to the procedures specified in the Act, a person who violates any provision of this Bylaw shall be fined not more than \$100 for each offense, with each day that the violation is continued constituting a separate offense.

134 – Appeal of Administrative Officer Decision. An interested person, as defined in Section 4465 of the Act, may appeal any act or decision of the Administrative Officer to the Board of Adjustment within fifteen (15) days of such act or decision, in accordance with the provisions of Subchapter 11 of the Act.

134.1 – Notice of Appeal. A notice of appeal by an interested person shall be in writing and shall include the name and address of the person appealing, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by that person, and the alleged grounds why such requested relief is believed proper under the circumstances.

SECTION 140: ZONING BOARD OF ADJUSTMENT

There is hereby established a Zoning Board of Adjustment for Landgrove (hereinafter referred to as “the Board”) in accordance with the provisions of Section 4460 of the Act. The Board shall have all the powers and duties specified in the Act, including those listed below.

141 – Procedures. In all matters before it, the Board shall act according to the procedures set forth in Subchapter 10 of the Act.

142 – Public Hearings. The Board of Adjustment shall hold required public hearings within sixty (60) days of the filing of a complete notice of appeal or the submission of a complete application, as applicable. Public hearings shall be warned and conducted pursuant to Section 4464 of the Act.

143 – Appeals. The Board shall, after public notice and hearing, decide on an appeal of an act or decision of the Administrative Officer. Appeals to the Board may be made by an interested

person regarding any act, decision, order, requirement, or determination made by the Administrative Officer, including a lack of action (see Section 134 of this Bylaw).

144 – Variances. The Board shall, after public notice and hearing, decide upon variance appeals (requests for variances) under Section 4469 of the Act.

144.1 - Dimensional Variance for Structures. On an appeal under Section 4465 of the Act and Section 134 of this Bylaw, wherein a variance from the provisions of a zoning regulation is requested for a structure that is not a renewable energy resource structure, the Board may grant variances and render a decision, after public notice and hearing, in favor of the appellant, if all the following facts are found and the findings are specified in its decision:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization or variance is therefore necessary to enable the reasonable use of the property;
- c. That the unnecessary hardship has not been created by the applicant;
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare;
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the Town Plan.

144.2 – Variance for Renewable Energy Resource Structures. On an appeal under Section 4465 of the Act wherein a variance from the provisions of a zoning regulation is requested for a structure that is primarily a renewable energy resource (e.g., solar panels, wind generators, etc.) the Board may grant such variances, after public notice and hearing, pursuant to the provisions of Section 4469 (b) and (c).

145 – Waivers. Requests for waivers of setback requirements are considered by the Board of Adjustment. Any request for a waiver will be warned and a public hearing held pursuant to Sections 141 and 142 of this Bylaw. The purpose of waivers is to allow for minor additions to a principal or accessory structure that would not be counter to the purpose of these bylaws or the Town Plan, but which might not meet the standards for the granting of a variance. A waiver may be granted only to reduce dimensional requirements as provided below, and compliance with all other requirements of this Bylaw is required. The Board of Adjustment may grant a waiver provided all of the following conditions are satisfied:

1. The proposal is for an addition to an existing principal or accessory structure, and said addition does not increase the footprint of the structure by more than 5 percent or 200 square feet, whichever is greater.
2. The addition is the minimum size that is necessary for it to serve its intended function.
3. The addition is specifically intended to improve access for disabled persons, or to improve fire safety, or for a porch, deck, entryway, stairway, similar structure, or other minor addition to an existing building.
4. No setback (front, side, or rear) shall be reduced to less than 25 feet in the CARE, Commercial, or Rural Residential Districts, or to less than 10 feet in the Village District.

The Board of Adjustment may impose conditions regarding the design and screening of the addition to mitigate any impacts on neighboring properties.

146 – Nonconforming Uses and Noncomplying Structures. Requests for changes to nonconforming uses or noncomplying structures are referred directly to the Board of Adjustment upon application to the Administrative Officer, and are reviewed pursuant to Sections 141, 142, and 340 of these Bylaws. A noncomplying structure shall not be moved, enlarged, or substantially altered unless the relocated, enlarged, or altered portion complies with all the existing regulations, including use regulations for the district in which it is located, or unless the Zoning Board of Adjustment approves a Waiver (Section 145) or Variance (Section 144) for the modification.

147 – Timeframe for Decisions on Appeals, Variances, Waivers, and Nonconforming Uses and Noncomplying Structures. The Board shall act to approve or disapprove an appeal, request for a variance, waiver, or change to a nonconforming use or noncomplying structure within forty-five (45) days of the adjournment of the final public hearing. Failure to do so will be deemed approval.

148 – Conditional Use Approval. The Administrative Officer shall pass on to the Board any application for approval of a conditional use permit. No zoning permit shall be issued by the Administrative Officer for any use or structure that requires a conditional use permit in these Bylaws until the Board grants such approval.

Conditional uses shall be permitted only if the Board determines, after public notice and hearing, that the proposed use conforms to the general and specific standards contained within these Bylaws. In considering its action, the Board shall make findings on general and specific standards and may attach conditions as provided for in Section 4464(b)(2) of the Act.

148.1 – General Conditional Use Standards. The proposed conditional use shall not affect:

- a. The capacity of existing or planned community services;
- b. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located and the policies and standards of the Town Plan;
- c. The quality of the environment of the area;
- d. Traffic on roads and highways in the vicinity;
- e. Bylaws and ordinances then in effect;
- f. Utilization of renewable energy resources.

148.2 - Specific Conditional Use Standards. In granting a conditional use permit, the Board may impose other reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Plan and these Bylaws. These additional conditions may concern the following:

- a. Minimum lot size, which may be increased;
- b. Distance from adjacent or nearby uses, which may exceed established setback requirements;
- c. Performance standards as set forth in Section 320 of these Bylaws;
- d. Intensity of land use including, but not limited to, the size of buildings, number of accessory uses and accessory structures, and hours of operation;
- e. Minimum off-street parking and loading facilities;
- f. Landscaping, screening, and fencing;
- g. Design and location of signs;
- h. Design and location of structures and service areas;
- i. Any additional standards as provided for within these Bylaws.

148.3 - Required Documentation. At a minimum, site plans in accordance with Section 153 of these Bylaws, and all applicable items identified in Section 132.1, shall accompany the conditional use permit application for all proposed conditional uses. Additional information, as requested on the conditional use permit application, shall also be submitted.

148.4 - Timeframe for Approval of Conditional Uses. The Board shall act to approve or disapprove a conditional use application within forty-five (45) days after the date of

adjournment of the final public hearing. Failure to do so within such period shall be deemed approval.

149 – Appeal of a Board Decision. An interested person, as defined in Section 4465 of the Act, may appeal any decision of the Board to Environmental Court within 30 days of such decision in accordance with Section 4471 of the Act.

SECTION 150: LANDGROVE PLANNING COMMISSION

The Planning Commission shall have the powers and duties specified in the Act, including those identified below:

151 - Procedures. In all matters before it, the Planning Commission shall act according to the procedures set forth in Subchapter 10 of the Act.

152 - Public Hearings. The Planning Commission shall hold required public hearings within sixty (60) days of the filing of a complete notice of appeal or the submission of a complete application, as applicable. Public hearings shall be warned and conducted pursuant to Section 4464 of the Act.

153 – Site Plan Approval. The Planning Commission shall review and decide upon site plan applications in accordance with Section 4416 of the Act.

No zoning permit shall be issued by the Administrative Officer for any use or structure, except for one- and two-family dwellings, signs, agricultural and forestry uses, and residential accessory buildings and extensions thereof, until the Planning Commission grants site plan approval. Site plans for conditional uses, and any site plans that may be required for an appeal, variance, waiver, or change to a nonconforming use or noncomplying structure are reviewed by the Board of Adjustment and do not require additional review or approval by the Planning Commission.

153.1 – Application Information. Unless waived or varied by the Planning Commission, an application for site plan approval shall include three (3) sets of site plan maps and supporting data including the following information presented in drawn form and accompanied by written text:

- a. **General Information.** Tax map number of the property taken from the latest tax records. Name and address of the owner of record and adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, and date.
- b. **Survey.** A survey prepared by a licensed Vermont engineer or surveyor of the property showing existing features, including five (5) foot contours, structures, land cover, large trees, streets, utility and other easements of record, rights of way, and land use and deed restrictions.

- c. **Proposed Improvements.** Site plan, drawn to scale, showing proposed structure locations and land use areas; streets, including proposed construction specifications and grades, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscape design, and screening.
- d. **Construction Schedule.** Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
- e. **Other Information.** Other information shall be provided as requested on the site plan approval application form and as deemed necessary by the Planning Commission to conduct a complete review under Section 153.2 of this Section.

153.2 – Site Plan Review and Approval Criteria. The Planning Commission shall take into consideration the following criteria in reviewing the proposed site plans:

- a. Maximum safety of vehicular circulation between the site and the road network;
- b. Adequacy of circulation for vehicles and pedestrians, parking and loading facilities, with particular attention to safety.
- c. Adequacy of landscaping, screening, exterior lighting, and setbacks in regard to achieving maximum compatibility and protection of adjacent property.
- d. Protection of the utilization of renewable energy resources.
- e. The size, location, and design of any signs.
- f. Other matters specified in these Bylaws.

153.3 – Timeframe for Site Plan Approval. The Planning Commission shall act to approve or disapprove any such site plan within forty-five (45) days after the date of the adjournment of the final public hearing; failure to act within such period shall be deemed approval.

154 – Planned Unit Development. The Planning Commission shall review and decide upon applications for Planned Unit Development in accordance with Section 4417 of the Act and Section 430 of these Bylaws.

155 – Rights-of-Way. The Planning Commission shall review and decide upon rights-of-way in accordance with Section 4412(3) of the Act. (See also Section 312 of these Bylaws.)

156 – Wireless Telecommunication Facilities. The Planning Commission shall review and decide upon applications for Wireless Telecommunication Facilities in accordance with Section 4414(12) of the Act and Section 440 of these Bylaws.

SECTION 160: AMENDMENTS

These Bylaws may be amended and adopted according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

SECTION 170: SEPARABILITY

Should any section or provision of these Bylaws be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Bylaw as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE II: DISTRICT USE AND INTENSITY REGULATIONS

SECTION 210: ESTABLISHMENT OF ZONING DISTRICTS

211 – Zoning Districts. The Town of Landgrove is hereby divided into the following zoning districts as shown on the Landgrove Zoning Map:

- a. CARE Conservation/Agriculture/Resource District
- b. RR Rural Residential District
- c. V Village District
- d. COMM Commercial District

212 – Overlay Districts. These Bylaws provide for the regulation of flood hazard areas and scenic areas through the use of two special zoning overlay districts as shown on the Landgrove Zoning Map:

- a. RFHA Regulated Flood Hazard Area District
- b. UFO Utley Flats Scenic Overlay District

213 – Purpose of Zoning and Overlay Districts. The purpose of these districts is to encourage a pattern of development within the Town of Landgrove that is compatible with the land and existing land uses and which protects environmentally sensitive areas and important scenic resources.

SECTION 220: ZONING MAP

221 – Boundaries. The location and boundaries of zoning districts are shown on the attached Landgrove Zoning Map² that is hereby made a part of these Bylaws, together with all future amendments. However, the description of the zoning districts in Section 240, Article V, and Article VI shall control the location and extent to each zoning district.

222 – Interpretation. Where there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary due to scale, lack of detail, or illegibility of the maps, the Board of Adjustment shall make an interpretation upon an appeal from a decision of the Administrative Officer.

SECTION 230: GENERAL STANDARDS AND DEFINITIONS

No land development as defined in Article VII and Section 125 of these Bylaws shall be permitted to commence except in conformance with the following regulations, unless provided for elsewhere in these Bylaws.

² The Landgrove Zoning Map is available for review at the Town Clerk's office. A reduced version of this map is attached to these Bylaws.

231 – Density

231.1 – Buildings and Uses on Lots. There shall be only one principal building and one principal use on a lot.

231.2 – Density for Multi-Use Buildings. A single building located within the Commercial District may contain multiple uses and be considered as being “one principal use” for the purpose of determining density, setback, coverage, and frontage requirements. All uses within the building must be either permitted or conditionally permitted within the district. There shall be no more than three dwelling units within any multi-use building. Multi-use buildings shall be reviewed under the provisions of conditional use approval regardless of the type of use proposed. Parking and loading requirements shall be determined based on the standards established in Section 370 of these Bylaws for each business, store, other commercial use, or dwelling unit within the multi-use building. A change of use, as defined in Article VII of these Bylaws, will require a new zoning permit.

232 – Setbacks

232.1 – Front Yard Setbacks. All front yard setbacks shall be measured from the centerline of the legal access back to the closest point of the structure or setback object. The specific front yard setback requirements of each zoning district, identified in Section 240 of these Bylaws, shall apply to the entire development including structures and parking facilities, but excluding landscaping, screening, driveways, fences, and signs.

232.2 – Side and Rear Yard Setbacks. All side and rear yard setback requirements shall be measured from the property line back to the closest point of the structure. The side and rear yard setbacks of each zoning district, identified in Section 240 of these Bylaws, shall apply to the entire development including structures, parking facilities, and signs, but excluding landscaping, screening, driveways, and fences.

232.3 – Setbacks from a Water Course. The minimum building setback requirement from all permanent water courses shall be 50 feet unless otherwise permitted by these Bylaws.

232.4 – Setback Exemption for Ponds. Setback requirements shall not apply to ponds. Ponds are permitted in all districts provided the toe of the slope does not extend within a town road right-of-way.

233 – Yards

233.1 – No Reduction in Area. No lot shall be so reduced in area that the area, setbacks, lot width, frontage, coverage, or other requirements of these Bylaws shall be

smaller than herein prescribed for each district, except in a PUD as provided for in Section 433.3. The provisions of this Section shall not apply when a part of a lot is taken for a public purpose.

233.2 – Required Area of Yards. Space required under these Bylaws to satisfy area, setbacks, or other open space requirements in relation to one building or use shall not be counted as part of a required open space for any other building or use.

233.3 – Building Setback and Coverage: Porches, Decks, Garages, and Accessory Buildings. In determining the setback and extent of building coverage, porches, decks, carports, garages, and all other accessory buildings shall be included.

234 – Frontage

234.1 – Non-Frontage Lots. The lot frontage requirement for the district shall serve as the minimum lot width requirement for non-frontage lots.

234.2 – Multi- Access and Frontage Lots. For a lot that abuts on two or more public or private³ roads, the minimum frontage shall be provided along a public road and the front yard setback requirement shall be met for each yard that abuts any such public or private road. If a lot abuts only private accesses, the Planning Commission shall determine which lot line serves as the required frontage.

235 – Minimum and Maximum Requirements. For lot areas, lot frontage, lot depth, and all yard setbacks, the requirement specified is the minimum standard to be met. For coverage, the requirement specified is the maximum permitted.

236 – Structure Heights. The maximum height of any structure, exclusive of chimneys, residential TV antennae, and rooftop solar collectors less than 10 feet in height, in all districts, is three (3) stories or thirty-five (35) feet, whichever is less. This height restriction shall not apply to agricultural structures, church spires, bell, clock, and fire towers, or wind turbines with blades less than twenty (20) feet in diameter. Satellite dishes, radio or television antennae, or similar structures shall not be placed so as to extend more than thirty-five (35) feet above the ground. (See Building Height Definition).

237 – Separation Between Rights-of-Way. Rights-of-way to adjacent properties shall not be located so as to traverse a lot at intervals of less than the minimum frontage requirement for the district in which said lot is located.

238 – Prohibited Uses

³ A private access way shall be considered a road for the purposes of this section if it provides access to two or more lots.

238.1 – General. Any use not designated as a permitted or conditional use within these Bylaws shall be prohibited.

238.2 – Junkyards, Refuse Dumps, and Abandoned Cars. Junkyards or places for the storage of discarded and abandoned machinery, vehicles, or other materials are hereby prohibited within the limits of all districts established hereunder.

239 – Accessory Uses and Accessory Structures. Accessory uses and accessory structures shall be considered a permitted use only when they are accessory to a permitted use. Otherwise, accessory uses and accessory structures that are accessory to a conditional use shall be considered to be a conditional use and shall require approval from the Zoning Board of Adjustment.

SECTION 240: ZONING DISTRICT DESCRIPTIONS, USES, AND STANDARDS

241 – Conservation/Agriculture/Resource Districts (CARE). The purpose of the CARE District is to protect lands that have a high natural, recreational, scenic, or other special resource value and to limit development in areas that have substantial or serious physical limitations for development. These lands are not convenient to employment or shopping or have poor access to improved public roads. They should be developed for residential uses at low enough densities to protect their resource values and to perpetuate the traditional settlement pattern of these lands.

The CARE District is described as all land setback 1,500 feet from the centerline of all roadways in the Town as shown on the Vermont General Highway Map, Town of Landgrove, prepared by the Vermont Agency of Transportation, dated 2016. The CARE District boundaries are shown on the official Town of Landgrove Zoning Map, dated 2016, and on file in the Landgrove Town Office.

241.1 – Permitted and Conditionally Permitted Uses in the CARE District

Permitted Uses:

- a. Agricultural and Forestry Uses
- b. Wildlife Refuge
- c. One and Two Family Dwellings
- d. Camp
- e. Home Occupation
- f. Accessory Uses and Structures (see Section 239)
- g. Subdivision of Land
- h. Accessory Dwelling Unit entirely within an existing building (See Section 313)
- i. Uses not considered “land development” and not requiring a permit pursuant to Section 126.

Conditionally Permitted Uses:

- a. Roadside Agricultural Stand
- b. Planned Unit Development – containing only residential uses
- c. Municipal Facilities
- d. Nursery/Greenhouse
- e. Bed and Breakfast
- f. Cemetery
- g. Accessory Uses and Structures (See Section 239)
- h. Accessory Dwelling Unit in a new or expanded building (See Section 313)
- i. A wind turbine with blades less than twenty (20) feet in diameter providing electrical generation for the property on which it is located only.

241.2 – Dimensional Requirements for the CARE District

Lot Area Minimum:	10 acres; 10 acres per dwelling unit
Lot Frontage Minimum:	400 feet
Lot Depth Minimum:	500 feet
Front Yard Setback:	50 feet
Rear Yard Setback:	50 feet
Side Yard Setback:	50 feet
Building Height Maximum:	35 feet or 3 stories, whichever is less
Maximum Coverage:	10%

242 – Village District (V). The purpose of the Village District is to preserve the historic residential character of the compact village area while accommodating appropriate uses of existing structures and new residential infill development at moderate densities.

The Village District is described as follows: Being Landgrove Village, so-called, defined as: beginning at the intersection of the Landgrove/Londonderry town line and the highway leading to Londonderry; thence at right angles to the town line westerly to a point which lies at the intersection of said line with a line running parallel to the town line and westerly thereof crossing the town road 50 feet west of the Aldrich Homestead, now occupied by Nichols; thence northerly on said line parallel to the town line to a point where said line intersects the mean high water line of the southerly side of Utley Brook along its southerly bank; thence downstream along the mean high water line of said brook to a point where it intersects the Londonderry/Landgrove town line; thence southerly along said town line to the point of beginning. The entire Village District is located within the Utley Flats Scenic Overlay District.

242.1 – Permitted and Conditionally Permitted Uses in the Village District**Permitted Uses:**

- a. Agricultural and Forestry Uses
- b. Wildlife Refuge
- c. One and Two Family Dwellings

- d. Home Occupation
- e. Accessory Uses and Structures (See Section 239)
- f. Subdivision of Land
- g. Accessory Dwelling Unit entirely within an existing building (See Section 313)
- i. Uses not considered “land development” and not requiring a permit pursuant to Section 126.

Conditionally Permitted Uses:

- a. Roadside Agricultural Stand
- b. Home Business
- c. Planned Unit Development
- d. Home Professional Office
- e. Bed and Breakfast
- f. Cemetery
- g. Accessory Uses and Structures (See Section 239)
- h. Accessory Dwelling Unit in a new or expanded building (See Section 313)
- i. A wind turbine with blades less than twenty (20) feet in diameter providing electrical generation for the property on which it is located only.

242.2 – Dimensional Requirements for the Village District

Lot Area Minimum:	2 acres; 2 acres per dwelling unit
Lot Frontage Minimum:	100 feet
Lot Depth Minimum:	none
Front Yard Setback:	25 feet
Rear Yard Setback:	15 feet
Side Yard Setback:	15 feet
Building Height Maximum:	35 feet or 3 stories, whichever is less
Maximum Coverage:	25%

243 – Commercial District (C). The purpose of the Commercial District is to provide for mixed commercial and residential uses and other compatible uses at moderately low densities which will conveniently serve the retail, service, business, industrial, and residential needs of the community without creating strip development, unsightly clutter, land use conflicts, or other undesirable impacts.

The Commercial District consists of an area of land centered on Vermont Route 11 extending 625 feet on either side of the highway right-of-way limits.

243.1 – Permitted and Conditionally Permitted Uses in the Commercial District

Permitted Uses

- a. Agricultural and Forestry Uses
- b. Wildlife Refuge

- c. Roadside Agricultural Stand
- d. One and Two Family Dwellings
- e. Camp
- f. Home Occupation
- g. Home Business
- h. Accessory Uses and Structures (See Section 239)
- i. Municipal Facilities
- j. Nursery/Greenhouse
- k. Home Professional Office
- l. Professional and/or Business Office
- m. Bed and Breakfast
- n. Inn
- o. Boarding House
- p. Restaurant
- q. Retail Establishment
- r. Subdivision of Land
- s. Accessory Dwelling Unit entirely within an existing building (See Section 313)
- t. Uses not considered "land development" and not requiring a permit pursuant to Section 126.

Conditionally Permitted Uses:

- a. Planned Unit Development
- b. Recreation Facility
- c. Religious Institutions
- d. Multi-Use Building
- e. Multi-family Dwelling
- f. Industrial Uses
- g. Public Utility Facilities
- h. Cemetery
- i. Accessory Uses and Structures (See Section 239)
- j. State Owned and Operate Facilities and Services
- k. Public and Private Schools and Other Educational Institutions Certified by the Vermont Department of Education
- l. Public and Private Hospitals
- m. Regional Solid Waste Management Facilities Certified Under 10 V.S.A. Chapter 159
- n. Hazardous Waste Management Facilities Certified Under 10 V.S.A. Section 6606(a)
- o. Mobile Home Parks
- p. Accessory Dwelling Unit in a new or expanded building (See Section 313)
- q. Wireless Telecommunication Facilities (See Section 440)
- r. A wind turbine with blades less than twenty (20) feet in diameter providing electrical generation for the property on which it is located only.

243.2 – Dimensional Requirements for the Commercial District

Lot Area Minimum:	4 acres for nonresidential uses; 4 acres per dwelling unit for residential uses
Lot Frontage Minimum:	200 feet
Lot Depth Minimum:	150 feet
Front Yard Setback:	40 feet (See Section 422)
Rear Yard Setback:	50 feet
Side Yard Setback:	50 feet
Building Height Maximum:	35 feet or 3 stories, whichever is less
Maximum Coverage:	20%

244 – Rural Residential District (RR). The purpose of the Rural Residential District is to accommodate residential growth at a moderately low density in a manner that provides for a safe and efficient development pattern while maintaining the rural and scenic character of the landscape. Rural Residential lands appear capable of accommodating a significant proportion of the expected growth for Landgrove. They are near improved highways and, except for certain areas with serious or critical limitations, are generally suitable for residential uses.

The Rural Residential District is defined as follows: Being the entire remainder of all lands in the Town of Landgrove not included within the CARE, Village, or Commercial Districts described above.

244.1 – Permitted and Conditionally Permitted Uses in the Rural Residential District

Permitted Uses:

- a. Agricultural and Forestry Uses
- b. One and Two Family Dwellings
- c. Camp
- d. Home Occupation
- e. Municipal Facilities
- f. Subdivision of Land
- g. Accessory Uses and Structures (See Section 239)
- h. Accessory Dwelling Unit entirely within an existing building (See Section 313)
- i. Uses not considered “land development” and not requiring a permit pursuant to Section 126.

Conditionally Permitted Uses:

- a. Roadside Agricultural Stand
- b. Home Business
- c. Planned Unit Development – containing only residential uses
- d. Religious Institutions
- e. Nursery/Greenhouse
- f. Home Professional Office

- g. Bed and Breakfast
- h. Cemetery
- i. Accessory Uses and Structures (See Section 239)
- j. Accessory Dwelling Unit in a new or expanded building (See Section 313)
- k. Wireless Telecommunication Facilities (See Section 440)
- l. A wind turbine with blades less than twenty (20) feet in diameter providing electrical generation for the property on which it is located only.

244.2 – Dimensional Requirements for the Rural Residential District

Lot Area Minimum:	4 acres; 4 acres per dwelling unit
Lot Frontage Minimum:	400 feet
Lot Depth Minimum:	150 feet
Front Yard Setback:	75 feet from highway centerline or 50 feet from the front line if the frontage is on a private right-of-way
Rear Yard Setback:	50 feet
Side Yard Setback:	50feet
Building Height Maximum:	35 feet or 3 stories, whichever is less
Maximum Coverage:	15%

ARTICLE III: GENERAL REGULATIONS

SECTION 310: STATE REQUIREMENTS

In accordance with Sections 4412 and 4413 of the Act, the following provisions shall apply:

311 – Existing Small Lots. Any undeveloped lot which is now in individual and separate and nonaffiliated ownership from surrounding properties and which was legally in existence on the effective date of the original Landgrove Zoning Bylaws and any subsequent amendments may be developed for the purposes permitted in the district in which it is located and in accordance with all applicable requirements of these Bylaws, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth ($1/8^{\text{th}}$) acre in area with a minimum width or depth dimension of forty (40) feet.

If an existing small lot comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- a. The lots are conveyed in their preexisting, nonconforming configuration.
- b. On the effective date of this Bylaw, each lot was developed with a water supply and wastewater disposal system.
- c. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- d. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

312 – Required Frontage on or Access to Public Roads or Public Waters. No land development may be permitted on lots that do not have either frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent right-of-way at least twenty (20) feet in width. Any such right-of-way that serves three or more lots or dwelling units shall be constructed in conformance with the municipal highway standards, unless the Planning Commission specifically waives those requirements. (Note: The Town of Landgrove Highway Ordinance requires all public rights-of-way to be fifty (50) feet in width at a minimum. In addition, the Board of Selectmen is responsible for approving all proposed points of access onto public roads. Applicants should contact the Board of Selectmen for pertinent information.)

313 – Accessory Dwelling Unit. This bylaw shall not have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling unit. Said accessory dwelling unit shall be clearly subordinate to the primary single-family dwelling unit on the property and shall conform to the following requirements:

- a. The property has sufficient wastewater capacity.
- b. The unit does not exceed 40% of the total habitable floor area of the single-family dwelling or 1,000 square feet, whichever is larger.
- c. Applicable setback, coverage, and parking requirements specified in these Bylaws are met.
- d. The application for an accessory dwelling unit shall be reviewed as a conditionally permitted use pursuant to Section 148 of this Bylaw if the application involves construction of a new accessory structure, an increase in the height or floor area of the existing dwelling, or an increase in the dimensions of parking areas.

314 – Residential Care Home or Group Home. Pursuant to Section 4412(1)(G) of the Act, a state licensed or registered residential care home or group home, serving not more than eight (8) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it locates within one thousand (1,000) feet of another such residential care or group home.

315 – Family Child Care Facility. Pursuant to Section 4413(5) of the Act, a state licensed or registered family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time and four part-time children, as defined in 33 V.S.A. Section 4902(3)(A), shall be considered to constitute a permitted use in any district, but shall be subject to site plan approval pursuant to Section 153 of this Bylaw.

316 – Required Notification to Vermont Department of Water Resources. No zoning permit for the development of land located within a designated flood hazard area or wetland may be granted prior to the expiration of a period of thirty (30) days following the submission of a report to the Vermont Department of Water Resources describing the proposed use and the location requested for such use.

SECTION 320: PERFORMANCE STANDARDS

In accordance with Section 4414(5) of the Act, in all districts and for all uses, the following performance standards together with any applicable State standards and general and specific standards as required under these Bylaws must be met. The purpose of these standards is to insure that any activity on property in Landgrove will have a minimal impact on neighboring properties.

The Administrative Officer shall decide whether proposed permitted uses not requiring site plan approval meet the standards below. The Zoning Board of Adjustment and/or the Planning Commission, as applicable, shall decide on the conformance of proposed uses with the standards for conditional use review and site plan approval.

321 – General Standards. In all districts uses are not permitted which exceed any of the following standards measured at the individual property line:

- a. Emit noise in excess of 70 decibels.
- b. Emit any smoke in excess of Ringelmann Chart No. 2.
- c. Emit any noxious gases which endanger the health, comfort, safety, or welfare of any person, or which have a tendency to cause injury or damage to property, business, or vegetation.
- d. Cause as a result of normal operations a vibration that causes displacement of 0.002 of one inch.
- e. Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle, or which unnecessarily illuminate beyond the property boundaries.
- f. Cause fire, explosion, or safety hazard.
- g. Cause harmful wastes to be discharged into a sewer system, stream, or other body of water.
- h. Emit any non-agricultural odor which is considered offensive.
- i. Result in the dumping of refuse and waste material for landfill. Loam, rock, stone, gravel, sand, cinders, stumps, and soil may be used for landfill.

322 – Specific Standards. In all districts, the following performance standards shall be met:

322.1 – Storage of Flammable Liquids. The storage of any flammable liquid in tanks above ground or underground shall conform to the standards set by the Vermont Department of Labor and Industry Fire Prevention Division or the Department of Environmental Conservation Waste Management Division, as applicable.

322.2 – Screened Service Area Requirements. In any district, all areas designated, used or intended to be used as service areas for any structure or land use, other than one-family and two-family dwelling units, the Planning Commission or Zoning Board of Adjustment, as applicable, may require that the area be screened from view with either a wall, a solid fence, or evergreens to a height of at least five (5) feet above grade level on all sides where the adjacent land is in a residential district or residential use.

322.3 – Grading. No grading, cut, or fill shall be carried out in any district which leaves the slope of the finished grade in excess of one (1) foot vertical to two (2) feet horizontal, where such area could create an erosion problem or other hazard or impact on adjoining roads or property.

SECTION 330: LANDSCAPING REQUIREMENTS

331 – Purpose. The Planning Commission, under site plan review and planned unit development authority, and the Zoning Board of Adjustment under conditional use approval authority, are responsible for assessing the adequacy of landscaping involved with site development. Properly planned and installed landscaping can reduce the potential for conflicts between different

adjoining land uses; maintain and enhance scenic values; can help to reduce noise and glare; and can provide privacy and separation.

332 – Applicability. Where required by these Bylaws, landscaping:

- a. Shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas, natural wooded areas, or ground covers.
- b. Shall, to the extent practicable, be of native plant species indigenous to the region.
- c. Shall consist of plantings of a type and size which serve to adequately buffer or screen uses, where needed, to serve the purposes of Section 331 above.
- d. Shall be installed within one year of substantial completion of site construction activity, or as otherwise designated by the Planning Commission or Zoning Board of Adjustment.
- e. Shall be cared for in a manner which ensures that plantings continue to fulfill their intended purpose over time; dead and dying plants shall be replaced during the next growing season.
- f. Shall retain existing large specimen trees.

333 – Standards. Compliance with the following standard shall be considered to be the minimum landscaping necessary. Additional landscaping may be required to fulfill the intent of Section 331 above.

- a. Where any non-residential land use abuts a residential land use, a strip of land at least fifty (50) feet in width shall be maintained as a landscaped area or natural wooded area in the front yard, side yards, and rear yard unless waived by the Planning Commission or Zoning Board of Adjustment.

SECTION 340: NONCONFORMING USES AND NONCOMPLYING STRUCTURES

In accordance with Section 4412(7) of the Act, the following provisions shall apply to all structures and uses existing on the effective date of these Bylaws that do not conform to the requirements set forth in these Bylaws and to any amendments.

341 – Continuation. Any nonconforming use shall not be moved enlarged, altered, extended, re-established or restored, except as provided below.

342 – Nonconforming Uses.

342.1 – Change. A nonconforming use shall not be moved, enlarged, altered, extended, re-established or restored in any way that increases the degree of nonconformity without approval of the Zoning Board of Adjustment.

A nonconforming use shall not be changed to another nonconforming use without approval by the Zoning Board of Adjustment, and then only to a use which in the opinion

of the Zoning Board of Adjustment is of the same or of a more restricted nature than the current use and does not increase the degree of nonconformity with these Bylaws.

342.2 – Re-establishment of a Discontinued Use. A nonconforming use shall not be re-established or restored if such use has been abandoned or otherwise discontinued in whole or in part for any reason for a period of six (6) months, or has been changed to or replaced by a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

343 – Noncomplying Structures

343.1 – Maintenance and Repair. Nothing in this section shall be deemed to prevent normal maintenance and repair of a noncomplying structure provided that such action does not increase the degree of or create any new noncompliance.

343.2 – Restoration or Replacement. After damage from any cause, the restoration or replacement of a building in the same noncomplying location is permitted within two (2) years of the time of damage. A permit must be applied for and work begun within twelve (12) months from the date of damage, and completed within a two (2) year period, or said construction shall not occur unless a variance is approved by the Zoning Board of Adjustment.

343.3 – Extension or Enlargement. Extensions or enlargements may be made to the complying portion of a noncomplying structure in accordance with all applicable requirements of these Bylaws. (For example, one could extend to the sides and rear, but not the front, of a dwelling that does not meet the district's front-yard setback requirements from the road right-of-way. Any extension that would encroach on the front-yard setback would be permitted only if a variance or waiver were granted by the Zoning Board of Adjustment.)

SECTION 350: BOUNDARY LINE ADJUSTMENT

351 – Purpose. In accordance with Section 4464(c) of the Act, this Ordinance grants the Administrative Officer of Landgrove the authority to administratively review requests for Boundary Line Adjustment between or among legal lots within town boundaries. A Boundary Line Adjustment is a method of adjusting boundary lines between contiguous lots without creating additional lots and without creating nonconformities in the resultant lots.

352 – Applicability. To qualify for a Boundary Line Adjustment, the requested adjustment must meet all of the criteria outlined below. The Planning Commission will directly review requests that fail to adhere to one or more of the following criteria:

- The adjustment creates no additional lot(s);

- No nonconformities are generated within the resultant lots (i.e. no violations of existing regulations for lot size, building setback, lot coverage, etc. as a result of adjustment);
- No change in access or right-of-way to either lot;
- No effect on existing or projected water supply or wastewater disposal systems.

353 – Application Requirements. To obtain a Boundary Line Adjustment permit, the applicant must submit the following documentation to the Administrative Officer:

- a. A detailed written request and description for the proposed adjustment, signed by all property owners and the applicant;
- b. A site plat showing all existing features, including but not limited to built structures, roadways, driveway and access points, parking and pedestrian walks, water and wastewater facilities, easements, and natural features such as wildlife habitat, aquifer recharge areas or springs, streams, wetlands and flood hazard areas;
- c. Copies of any required state and local permits, including but not limited to proof of compliance with state wastewater regulations;
- d. Draft deeds or draft boundary line agreements shall be submitted to define the revised lots.

354 – Request Approval. The Administrative Officer shall review the adjustment to confirm adherence to the Zoning Bylaws, Town Plan, and any other applicable requirements. After review, the Administrative Officer may grant provisional approval for a Boundary Line Adjustment by way of a written decision. Granting of a Boundary Line Adjustment permit shall be contingent upon the applicant filing the written approval from the Administrative Officer, revised deeds for affected properties, and a final Mylar plat of the boundary adjustment in the Town Clerk’s office within 90 days of the date of conditional approval. The Mylar plat does not have to be prepared by a licensed surveyor, but it must accurately display all information pertinent to the application in a comprehensive and detailed manner.

SECTION 360: SIGNS

361 – Purpose. It is the intent of this section of these Bylaws to provide for the orderly signing of activities in the Town and to ensure visual compatibility with the scale and character of the surrounding area.

362 – Applicability. No sign shall be erected, enlarged, redesigned, or altered (except for regular maintenance) without a zoning permit issued by the Administrative Officer, with the exception of those noted in Section 363 below. Permits shall be issued only for signs in conformance with these Bylaws.

363 – Signs That Do Not Require a Permit. Signs identified in (a) through (e) below do not require a sign permit when located on the immediate property, or when located off-premises as otherwise specifically stated:

- a. Signs erected, maintained, or administered by the Town, including official traffic control signs, or by the State of Vermont under Title 10 V.S.A. Chapter 21.
- b. Unlighted directional signs, without advertising, displayed for the direction, instruction, safety, or welfare of the public, or bearing the name of a residential premise or its occupants. The collective total surface area of all such signs on a lot shall not exceed four (4) square feet.
- c. Temporary real estate signs advertising the sale of property on which the sign is located, not exceeding six (6) square feet in area; and temporary painting/construction signs, not exceeding six (6) square feet in total area, advertising work being performed on the property on which the sign is located and displayed only during the period of time when the work is being performed on the site. There shall be a maximum of one such real estate sign and one such painting/construction sign on a property at any one time.
- d. Signs announcing an event of a civic, political, philanthropic, or religious organization. These signs may be located on-premise or, with the permission of the landowner, off-premise. All such signs are to be removed promptly by the owner following the event.
- e. Signs announcing a garage or yard sale provided that such signs are removed within 24 hours following the event. These signs may be located on premise or, with the permission of the landowner, off-premise.

364 – Signs That Require a Permit. All signs identified below require a zoning permit. These signs must be located on-premise and meet the minimum requirements outlined in Section 365 below.

The design and placement of signs shall be subject to approval by the Planning Commission under site plan approval or the Zoning Board of Adjustment under conditional use approval, whichever is applicable.

364.1 – Signs in the CARE, Village, and Rural Residential Districts. The following signs are permitted:

- a. One (1) home business or home professional office sign per lot, not exceeding four (4) square feet in area.
- b. One (1) sign per lot identifying any nonresidential building or use, not exceeding ten (10) square feet in area.

364.2 – Signs in the Commercial District. The following signs are permitted:

- a. One (1) home business or home professional office sign per lot, not exceeding four (4) square feet in area.
- b. One (1) sign per lot identifying any nonresidential building or use, not exceeding twenty (20) square feet in area. In addition, on lots with more than one nonresidential use or business, each nonresidential use or business may have one (1) wall sign, not to exceed six (6) square feet, identifying the use or business.

365 – Sign Standards. The following standards shall apply to all signs identified in Section 364 above. These standards represent the minimum under these Bylaws.

- a. Signs shall not be located within twenty-five (25) feet of the center line of a public or private road.
- b. Signs are exempt from all front yard setback requirements; signs must, however, meet all side and rear yard setbacks for the district in which the sign is located.
- c. Sign area shall be calculated based on the entire face of the sign, including the advertising surface and any framing, trim, or moulding, but not including the supporting structure. For a sign with two (2) sides or faces placed back-to-back, the sign area shall be taken as the area of either side or face.
- d. Signs may be illuminated by a steady light provided that such lighting does not illuminate or reflect onto other property, or interfere with the vision of any person operating a motor vehicle.
- e. Flashing, oscillating, and revolving signs shall not be permitted unless necessary for public safety or welfare.
- f. Signs shall be designed and located in a manner as to: not impair public safety; not restrict clear vision between a sidewalk and any street; not be confused with any traffic sign or signal; and not prevent free access to any door, window, or fire escape.
- g. Signs attached to buildings shall not extend above the eaves of that part and side of the building to which the sign is attached; roof signs are prohibited.
- h. Freestanding signs, including their supporting structures, shall not exceed fourteen (14) feet in height above ground level in the Commercial District and ten (10) feet above ground level in height in all other districts.

- i. Signs shall be designed and located in a manner as to withstand a wind pressure load of at least thirty (30) pounds per square foot.

SECTION 370: OFFSTREET PARKING AND LOADING REQUIREMENTS

For every building or use of property hereafter erected, altered, extended, or changed in use, there shall be provided off-street parking spaces at least as set forth below. Parking spaces may be provided by the applicant on other property, provided such land lies within five hundred (500) feet of an entrance to the principal building or use. Parking lots shall be clearly identified.

371 – Specific Standards

371.1 – Residential Uses

- a. **One-family and two-family dwellings.** One (1) parking space per dwelling unit.
- b. **Home Business.** One (1) parking space per dwelling unit, plus one (1) additional parking space for each nonresident employee.
- c. **Home Professional Office.** Two (2) parking spaces, plus one (1) additional parking space for every three hundred (300) square feet of office space.
- d. **Bed and Breakfast, Boarding House.** Three (3) parking spaces, plus one (1) for every guest room.

371.2 – Nonresidential Uses

- a. **Professional and/or Business Office.** Two (2) parking spaces plus one (1) for every two hundred (200) square feet of office space.
- b. **General Commercial.** One (1) parking space for every two (2) employees, one (1) parking space for every motor vehicle used in the business, plus one (1) for every two hundred (200) square feet of retail floor area.
- c. **Restaurant, Eating, and Drinking Establishments.** One (1) parking space for every motor vehicle owned by the business, plus one (1) for every two (2) employees, plus one (1) for every three (3) seats.
- d. **Indoor Recreation Facility, Public Assembly Facility.** Every structure used as a community center, club, library, museum, church, lodge hall, or other public or private assembly, which provides facilities for seating people, one (1) parking space for every three (3) seats, is required. Where there are not seats provided, one (1)

parking space shall be provided for every fifty (50) square feet of floor area. Existing facilities are exempt from this section.

- e. **Outdoor Recreation Facility.** As required by the Planning Commission.
- f. **Inn.** One (1) parking space per sleeping room, plus one space for every two (2) employees on the largest work shift. In addition, accessory uses (e.g., bars, restaurants, public meeting spaces) must follow their respective standards.
- g. **Industrial Uses.** One parking space for each employee per shift.

371.3 – All Other Uses. As required by the Planning Commission under site plan approval or PUD approval or by the Zoning Board of Adjustment under conditional use approval, as applicable.

372 – Off-Street Loading Space Requirements. For every building or use of property hereafter erected, altered, extended, or changed in use for the purpose of commercial or industrial use, there shall be provided off-street space for loading and unloading of vehicles as required by the Planning Commission under site plan approval or PUD approval, or by the Zoning Board of Adjustment under conditional use approval, as applicable.

SECTION 380: LOCATION AND CONSTRUCTION OF DRIVEWAYS

All driveway entrances shall be as approved by the Town Road Commissioner and/or Board of Selectmen in order to eliminate drainage onto the road and provide safe entrance and exit; an access permit from the Board of Selectmen is required prior to the commencement of any construction work. A required driveway shall be at least twenty (20) feet clear in width, except for one- and two-family dwellings. All driveway intersections with public roads shall conform to the Vermont Agency of Transportation Standard B-71: Residential and Commercial Drives.

ARTICLE IV: SPECIAL PROVISIONS

SECTION 410: SPECIFIC STANDARDS FOR CERTAIN USES

The uses below have specific standards they must meet in order to be considered as a permitted or a conditionally permitted use in a designated district. If there is a conflict between a standard in this section and a standard in another section of these Bylaws, the more restrictive standard shall apply.

411 – Home Occupation. A home occupation is customarily conducted entirely within a minor portion (less than 30% of livable floor space) of a dwelling and carried on only by the occupants thereof, which use is clearly incidental and secondary to the use for dwelling for residential purposes. It must not change the character of the dwelling or neighborhood nor result in any additional traffic other than that normally generated by the residents of the dwelling. A residential dwelling may have more than one home occupation provided that collectively they comply with the above requirements. A home occupation does not require a zoning permit.

412 – Home Business. A home business is customarily conducted as part of the use of a residential property, and carried on by residents thereof, and is clearly incidental and secondary to the use of the property for residential purposes and does not change the character of the neighborhood. A home business shall comply with the following:

- a. There shall be only one home business on any residential property.
- b. The home business shall be carried on by members of the family who reside within the dwelling; three (3) on-site employees who are not family members living within the dwelling are permitted.
- c. The home business shall utilize no more than 50% of the total combined area of all buildings on the premises, including the home and all accessory buildings. The area covered by any outdoor storage of materials, equipment, or commercial vehicles shall be included in this maximum area and screening and landscaping of such outdoor storage area shall be provided as deemed appropriate by the Planning Commission.
- d. Exterior advertising displays or signs other than those normally permitted in the district shall not be permitted.
- e. No traffic shall be generated in substantially greater volumes than would normally be expected in the neighborhood.
- f. A home business shall conform to all standards in Section 320, Performance Standards.
- g. Off-street parking shall be provided as required in Section 370.

- h. Products not processed on the premises may not be sold directly to the general public. This limitation does not apply to a mail order home business.
- i. Agricultural products not grown or processed on the premises may not be sold directly to the general public.

413 – Home Professional Office. A home professional office is conducted entirely within a minor portion of a dwelling by a practitioner of a recognized profession who also resides within the dwelling, and is clearly incidental and secondary to the use of the property for residential purposes and does not significantly change the character of the neighborhood. A home professional office shall comply with the following:

- a. There shall be only one home professional office within a dwelling.
- b. The home professional office shall be carried on by a practitioner of a recognized profession and his/her family members who reside within the dwelling; two (2) on-site employees who are not family members living within the dwelling are permitted.
- c. The home professional office shall utilize no more than 30% of the dwelling; accessory buildings may not be utilized.
- d. Exterior displays or signs other than those normally permitted in the district shall not be permitted.
- e. Traffic generated by clients or customers patronizing the home professional office shall be limited to a level deemed to be compatible with the neighborhood and area road network.
- f. A home professional office shall conform to all standards in Section 320, General Performance Standards.
- g. Off-street parking shall be provided as required in Section 370.

414 – Roadside Agricultural Stands. Roadside agricultural stands for the sale of locally grown agricultural products may be erected in all districts provided that:

- a. No stand shall be nearer than twenty (20) feet to the front or side lot lines.
- b. Off-street parking space shall be provided for at least four motor vehicles. Safe entrance and exists shall be provided.
- c. Said stand shall not exceed 200 square feet.

415 – Trailers. It shall be unlawful for any person to park a camping trailer, travel trailer, or recreational vehicle on private property, except in accordance with the following standards:

- a. The owner of a camping trailer, travel trailer, or recreational vehicle may park it on his/her own property, provided that the trailer or recreational vehicle meets the setback requirements for any structure on the same lot. A trailer or recreational vehicle so parked shall not be used as living quarters except temporarily.
- b. A trailer or recreational vehicle used as temporary living quarters may not be occupied for more than sixty (60) days within any consecutive 12-month period.

416 – Land Development in Wetland Areas. Applicants proposing land development in a wetland area shall contact the Vermont Agency of Natural Resources to determine whether a conditional use determination, and any other state or federal approval, is required for such development.

417 – Ponds and Impoundments. As defined within these Bylaws, the construction of a pond or other impoundment constitutes “land development” (See Section 125d) and therefore requires a zoning permit.

No zoning permit shall be issued by the Administrative Officer until the applicant submits the following information:

- a. Proof that all applicable State permits or approvals have been secured. Depending upon the size and nature of the pond or impoundment, approvals may be required from various departments and authorities within the Department of Environmental Conservation. Applicants shall follow the Vermont Water Quality Division for Pond Construction Guidelines.
- b. Written documentation from the applicant describing measures that will be taken to ensure that there will be no undue adverse impact on water quality or upstream or downstream properties.

SECTION 420: COMMERCIAL DISTRICT DEVELOPMENT

In order to help prevent commercial strip development and encourage orderly growth in the Commercial District, all nonresidential development, multifamily dwellings, and in the case of Access Control (Section 421), residential subdivisions, shall conform to the following standards:

421 – Access Control.

- a. On Route 11, common access points serving multiple properties are encouraged. Development on a single lot shall be designed with a maximum of two accesses (one ingress and one egress).

- b. Newly created subdivisions for residential or nonresidential development and PUDs with frontage on Route 11 shall be designed with shared access points to and from the highway. A maximum of two accesses shall be allowed regardless of the number of lots, businesses, or uses served.

422 – Building Setbacks.

- a. The required front yard setback for a building shall be a minimum of 40 feet, with parking areas to be located at the side or to the rear of a building.

423 – Landscaping Requirements.

- a. All residential development shall comply with the provision and intent of Section 330 of these Bylaws.
- b. All nonresidential development shall install and maintain a landscaped area in the front yard (between Route 11 and the buildings(s) or parking areas, whichever is closer) of at least thirty (30) feet in depth. Landscape plantings shall be of a type and size that serve to create a visually pleasing area along Route 11, to enhance the rural character of the area, and to minimize the appearance of “strip development.”

424 – Parking Areas.

- a. Where any nonresidential use abuts a residential use or district in a side or rear yard, the parking and loading areas shall be setback a minimum of fifty (50) feet from the property line abutting the residential use or district, and the spaces shall be adequately landscaped so as to create an effective visual barrier.
- b. Parking lots containing ten or more spaces shall be planted with at least one (1) tree per eight spaces, located within the parking lot, no smaller than two (2) inch caliper (trunk diameter at chest height), each tree being surrounded by no less than forty (40) square feet of permeable area planted with grass or other appropriate landscaping. Such plantings are exclusive of all other planting requirements.

425 – Screening of Storage Areas.

- a. Open storage areas, expose machinery, and outdoor areas used for the storage and collection of rubbish, must be visually screened from roads and surrounding land uses. Suitable types of screening include but are not limited to opaque wood fences and dense evergreen hedges of five (5) feet or more in height.

SECTION 430: PLANNED UNIT DEVELOPMENT

In accordance with the provisions set forth in Section 4417 of the Act, and where permitted in specified districts, these Bylaws may be modified by the Planning Commission to allow Planned Unit Developments (PUD), provided that such modification shall not exceed the density of development for the district in which the development is located. A PUD shall be subject to the following standards and procedures.

431 – Intent. Planned development (PUD) is provided in order to promote creative and efficient use of land with respect to topography, farmland, and other natural features; encourage the preservation of open space; provide for the economic development of the site and the more efficient use of public facilities; promote an improved level of amenities, creative design, and a more attractive environment; and provide greater opportunities for varied housing.

432 – Definitions.

- a. Planned Unit Development (PUD).** A planned unit development is an area of contiguous land, controlled by a landowner or owners, to be developed as a single entity for two (2) or more dwelling units and/or commercial or industrial uses, the plan for which does not comply with the dimensional requirements established in the permitted district. PUDs in the Rural Residential District and in the Conservation/Agriculture/Resource Districts may contain only residential uses as provided for in Sections 241 and 244 of these Bylaws.
- b. Open Space.** Open space includes land or area of water or a combination of land and water within a PUD reserved for the use and enjoyment of the PUD residents or owners and owned and maintained individually or in common by them through a funded trust or homeowners or condominium association. Open space does not include street rights-of-way or off-street parking areas. (Note: open space does not imply that the land is without trees, only that it is undeveloped.)

433 – Specific Standards and Criteria. The following requirements shall be met in obtaining PUD approval.

433.1 – Allowed Uses.

- a.** Uses shall be limited to one and two family dwellings in any PUD located in the RR and CARE Districts.
- b.** Uses shall be limited to permitted and conditional uses in any PUD located in the Village and Commercial Districts.

- c. There shall be not more than two dwelling units in any one building, except in the Commercial District, where there may be up to three dwelling units in a single building.

433.2 – Conformance with Town Plan & Zoning Provisions.

- a. All zoning requirements of the district within which a PUD is proposed shall be met, except as specifically varied or waived by the Planning Commission pursuant to this Section.
- b. A PUD shall be in harmony with the Landgrove Town Plan.
- c. The provisions of Sections 410 and 420 above, as applicable to uses proposed in a PUD shall be met.
- d. The provisions of Section 153.2 (Site Plan Review and Approval Criteria) and Sections 148.1 and 148.2 (General and Specific Conditional Use Criteria) shall be met.

433.3 – Yards and Setbacks. The zoning district requirements for lot size, yard setback, and frontage are waived for a PUD, except that the minimum setback requirements of the district within which the proposed PUD is located shall apply to the periphery of the development.

433.4 – Coverage. The total ground area covered by buildings, structures, and other impervious surfaces shall not exceed twenty-five percent (25%) of the total ground area within a PUD.

433.5 – Density.

- a. Total allowable dwelling units or non-residential uses shall equal the number which could be permitted, in the Planning Commission's judgment, if the land were subdivided into lots in conformance with these Bylaws for the district in which such land is situated (see Section 240). Land areas within public and private road rights-of-way and utility easements shall not be included in the calculation of density. The Planning Commission may authorize an increase in density of up to twenty-five percent (25%) if the Planning Commission determines that the proposed PUD would result in a development more in keeping with the intent of the Landgrove Town Plan and the purpose of the district in which such PUD is located.
- b. The Planning Commission may make reductions in the density allowed if, in their judgment, steepness of slope, shallow depth to bedrock, wet areas, or other physical features limit the site's ability to support development. In exercising such judgement, the Planning Commission will be guided by the soils maps and analyses contained within the U.S.D.A. Soil Survey of Bennington County, Vermont and any site specific

maps and analyses prepared as part of the application. Land with a slope of 25% or more shall not be included in the calculation of allowable density.

433.6 – Open Space.

- a. Open space or common land shall be maintained in a manner consistent with the Landgrove Town Plan.
- b. If the application of this Section results in land available for park(s), other recreation facilities, open space, school sites, or other municipal purposes, the Planning Commission, as a condition of approval, may establish such conditions on the location, size, ownership, use, and maintenance of such lands as it deems necessary to assure preservation and use of such lands for their intended purposes.
- c. Not less than fifty percent (50%) of the total land area of the PUD shall be preserved as such open space, unless the Planning Commission determines that a lesser amount satisfies the intent of the PUD and effectively addresses the concerns identified in Section 434(a) below.

433.7 – Protection of Important Natural Resources. All buildings, roads, parking areas, drainage systems, and utilities shall be laid out to minimize, to the fullest extent possible, their impact on the Town's rural character and scenic qualities, and on important natural resources including wetlands, agricultural lands, water courses, and critical wildlife habitat and corridors.

434 – Application and Review Procedures for Planned Unit Development.

- a. The Planning Commission may require that a residential subdivision be developed using a PUD design if a traditional development would result in one or more of the following:
 - A significant reduction in the agricultural use potential of the land;
 - Degradation of the natural visual appeal of a hillside, ridgeline, or open field;
 - Encroachment upon a natural or historic area, wildlife habitat, or a stream, wetland, or other water resource;
 - Elimination of access to an important recreational resource;
 - Cause excessive erosion, ground or surface water contamination, or otherwise endangers environmental quality.
- b. At a minimum, site plans in accordance with Section 153 of these Bylaws, and all applicable items identified in Section 132.1, shall accompany an application for PUD approval. Additional information as requested by the Planning Commission shall also be submitted.

- c. The Planning Commission shall act to approve or disapprove an application for a PUD within forty-five (45) days after the adjournment of the final public hearing; failure to act within such period shall be deemed approval.

435 – Filing. Within 90 days of the Planning Commission’s approval, the PUD plan shall be filed or recorded by the developer in the office of the Town Clerk.

SECTION 440: SCREENING OF SOLAR FACILITIES

441 – Purpose. In accordance with Section 2291(28) of the Act, this Ordinance establishes screening requirements for ground-mounted solar electricity generation plants in excess of 15kW(AC) (solar facilities) located in the Town of Landgrove. This Ordinance intends to further goals and policies for natural resource protection and scenic preservation as outlined in Chapter 5 of the Town Plan. Specifically, this Ordinance seeks to ensure that solar facilities do not degrade the natural visual appeal of hillsides, ridgelines, or open fields, and do not encroach visually or otherwise aesthetically upon a natural or historic area or gateway or upon a stream, wetland, or other water resource.

442 – Screening Requirements.

- a. All solar facilities shall be screened in accordance with the screening requirements set forth in this Ordinance. The screening requirements: a) are consistent with the screening requirements applied to commercial development in all zoning districts as set forth in the Town of Landgrove Land Use and Development Regulations; and b) articulate reasonable aesthetic mitigation measures to harmonize a solar facility with its surroundings.
- b. All solar facilities shall be sited and screened so that visual impacts of such facilities, including but not limited to solar panels, transformers, utility poles, fencing, etc., are mitigated as viewed from public streets and thoroughfares, scenic viewpoints, and/or adjacent properties. The Town of Landgrove Planning Commission shall determine screening requirements and associated site issues for each solar facility based upon the standards in this Ordinance.
- c. Screening shall provide a year-round visual screen, and shall occur on property owned or controlled by the owner and/or operator of the solar facility. A diversity of materials shall be used to create a diverse, naturalized screen rather than a large expanse of uninterrupted, uniform material. Materials may include: trees and shrubs indigenous to the area, and berms, or a combination thereof, to achieve the objective of screening the site.
- d. All screening shall be maintained to optimize screening at all times by the owner and/or operator of the solar facility until the solar facility is decommissioned and

removed. Plantings that die or become diseased shall be replaced within six months of dying or becoming diseased.

443 – Setback Requirements. Pursuant to Article 30 Section 248(s) of the Act, solar facilities with a plant capacity greater than 15 kW shall comply with the following minimum setback requirements:

- a. From a State or municipal highway, measured from the edge of the traveled way:
 - 100 feet for a facility with a plant capacity exceeding 150 kW; and
 - 40 feet for a facility with a plant capacity less than or equal to 150 kW but greater than 15kW.
- b. From each property boundary that is not a State or municipal highway:
 - 50 feet for a facility with a plant capacity exceeding 150 kW; and
 - 25 feet for a facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
- c. Upon review of an application, the Public Service Board may require a larger setback than those outlined here, or may approve a smaller setback when agreed upon by the applicant, municipal legislative body, and each owner of abutting properties.

444 – Recommendations to the Public Service Board.

Pursuant to Section 2291 of the Act, the Town of Landgrove may make recommendations to the Public Service Board applying the requirements of this Ordinance to a proposed solar facility. The Select Board is designated to make such recommendations.

445 – Condition of Certificate of Public Good.

In accordance with Section 2291 of the Act, the screening requirements of this ordinance and the recommendations of the Town of Landgrove shall be a condition of a certificate of public good issued under 30 V.S.A. Sec. 248 for a solar facility in Landgrove.

SECTION 450: SETBACK REQUIREMENTS FOR WIND TURBINES

451 – Setback. For any private wind turbine permitted in any district pursuant to Section 240,

The turbine and any supporting structure shall be set back from all property lines and public rights-of-way for a distance equaling their total height, including attached blades, unless otherwise permitted by the Planning Commission upon a showing that:

- The structure design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality.

ARTICLE V: UTLEY FLATS SCENIC OVERLAY DISTRICT

SECTION 510: AUTHORIZATION AND PURPOSE

511 - Statutory Authorization. As provided for in Sections 4412(2) of the Act, there is hereby established a special overlay zoning district known as the Utley Flats Scenic Overlay District.

512 – Purpose. The ridges, hillsides, and open agricultural lands in and around the Utley Flats area and the historic character of the adjacent Landgrove Village area represent some of Landgrove’s most important and cherished resources. As expressed in the Town Plan, they contribute significantly to the maintenance and enjoyment of Landgrove’s rural and pastoral character and personality. Preservation and conservation of these areas is essential to the economic, social, and environmental well-being of Landgrove’s current and future residents.

513 – Intent. Land development in the Utley Flats Scenic Overlay District needs to be regulated in a fair and consistent fashion in order to allow development and use of these areas in a manner that will not detract from nor adversely affect its principal scenic qualities. It is not the intent of this section of the Zoning Bylaw to prohibit development in the Utley Flats Scenic Overlay District, but to assure that such development takes place in a manner that is compatible with the important natural assets of the district.

514 – Lands to Which These Regulations Apply. These regulations impose additional restrictions on lands located within the Utley Flats Scenic Overlay District described as follows and depicted on the Utley Flats Scenic Overlay District Map.

- a. Beginning where the Landgrove/Peru town line intersects the Hapgood Pond Road, following the 1,500 foot contour line southeast to where it intersects the Nichols Road; thence crossing lot 05-00-05 to the intersection of lot 05-00-10 and turning east to follow the southern boundaries of lots 05-00-12 and 05-00-16 until the intersection of the Landgrove/Londonderry town line; thence north along the Landgrove/Londonderry town line to where the Landgrove/Londonderry town line turns southeast on lot 04-00-75; thence, from that point, straight north/northwest to the intersection of Old County Road and Tarpley Road; thence, from this intersection north/northwest across lot 03-00-39 to the point where the northwest corner of lot 03-00-38 meets the southern boundary of lot 03-00-37; thence, from this point in a straight line northwest to where the 1,500 foot contour intersects the Landgrove Road near the bridge on Buffam Hill; thence, from there west across lot 03-00-26 to the Peru/Landgrove town line; thence, south along the town line back to the beginning on the Hapgood Pond Road.
- b. The Utley Flats Scenic Overlay District was identified through a local planning effort conducted jointly by members of the Landgrove Planning Commission and Conservation Commission, and with the participation of residents of the Utley Flats Scenic Overlay District. Any proposed use or development of land located within

this district must meet the requirements of this section in addition to the requirements of the underlying zoning districts and the Flood Hazard Area Regulations, as applicable. The requirements of the Utley Flats Scenic Overlay District supersede those of the underlying districts and may render otherwise permitted uses conditional.

SECTION 520: SCENIC QUALITIES AND POTENTIAL IMPACT OF DEVELOPMENT

521 – Scenic Qualities. The principal scenic qualities in the Utley Flats Overlay District are broadly defined as follows:

- a. The Utley Flats Scenic Overlay District is dominated by the Utley Brook that originates in the Green Mountain National Forest and emerges from woodland into agricultural terrain at the Pfister Farm at the Danby Road/Bufham Hill intersection. It consists not only of the fields adjacent to the brook, but also includes the steep ridges surrounding the valley and the historic Landgrove Village area. An interrupted tree line follows the course of the Utley Brook whose banks are occasionally steep and occasionally level with the surrounding fields. The surrounding vegetation and animal life are typical of similar areas.
- b. The development along the Landgrove Road and the Peru Road is one of the traditional New England rural patterns of houses clustered together in a village and other houses and farms lying close to the roads with extensive open fields in back of them on both sides of the Utley Brook, with related agricultural outbuildings visible in the fields. Any subsequent building to date has mimicked that pattern. The “back yards” of some village homes abut the Utley Brook on the west side of the Village and, where the road through the Village crosses the bridge, extensive wetland vegetation provides evidence of the old Harlow Mill Pond to the northwest.
- c. While old photographs attest to the once cleared hillsides of the sheep-raising days at the end of the nineteenth century, the surrounding hillsides and ridgelines of today are once again primarily wooded. Most recent building and/or clearing has been done in a fashion consistent with the objectives of the Town Plan so that structures do not dominate the view.

522 – Impact of Land Development. The open fields, hillsides, ridgelines, and historic village that comprise the Utley Flats Scenic Overlay District are highly sensitive to changes in land development patterns. The construction of homes and other structures have the potential to diminish the landscape’s scenic value, obscure important views, and consume important agricultural lands.

Wooded hillsides are vulnerable to the visual impacts of land development where the tree canopy is substantially altered or removed altogether. This is especially true where new structures are built on steep hillsides that have been cleared of natural vegetation and

therefore lack adequate downslope screening. Moreover, ridgelines seen against the sky are especially sensitive to land development that interrupts the natural horizon.

The subdivision of existing contiguous farmland into residential parcels can destroy the viability of long-term agricultural use of such lands located within the Utley Flats area. In addition, the construction of new homes and accessory structures, and the installation of driveways and above-ground utility lines within the middle of open fields can significantly impact the area's scenic quality.

SECTION 530: REQUIREMENTS

531 – Permitted Uses. The following are permitted uses within the Utley Flats Scenic Overlay District:

- a. Agricultural and Forestry uses.
- b. Home occupations.
- c. Wildlife Refuge.
- d. Installation of underground utility lines.

532 – Conditionally Permitted Uses. All land development other than that identified in Section 531 above, which are either a permitted or conditional use according to Section 240 of this Bylaw, shall be allowed as a conditionally permitted use within the Utley Flats Scenic Overlay District. As such, they shall require the approval of the Zoning Board of Adjustment. Conditional uses shall include:

- a. Subdivision of land.
- b. Construction of a new or addition to an existing one- or two-family home, camp, or accessory structure (note: all accessory structures, regardless of size, require review under this section).
- c. The installation of above-ground power or telephone utility lines.
- d. Construction of a tower, satellite dish larger than three (3) feet in diameter, or any other type of non-residential antennae.
- e. Construction of a windmill or any other type of instrument to make use of the wind.
- f. Removal of trees or other vegetation that provide screening of an existing structure that has been permitted pursuant to this Section with conditions that limit removal of such vegetation.

- g. Removal of trees located within 25 feet of the edge of a town highway which have a diameter at breast height of eight inches or more and which contribute to the scenic qualities afforded by rural roadways and village streets.

SECTION 540: DEVELOPMENT STANDARDS

All conditional uses shall be reviewed to determine compliance with the development standards below.

541 – Open/Agricultural Land. For proposed conditional uses that involve open land or agricultural land within the Utley Flats Scenic Overlay District valley floor area, the following development standards shall be met:

- a. Lots or parcels created through the subdivision of land shall be located, sized, and designed so as to preserve large blocks of contiguous open/agricultural land to the maximum extent possible, and to allow the future development of those lots or parcels in a manner which can conform to the design requirements identified in (b) through (e) below.
- b. Proposed development shall be designed and sited so as to preserve large blocks of contiguous open/agricultural land to the maximum extent possible.
- c. Buildings and other structures, as well as roadways and driveways, shall not be sited in the middle of open/agricultural land, but shall be located in wooded areas, or at the edge of fields. Every effort shall be made to locate a proposed use or structure upon land that is unsuitable or least productive for agricultural use and has the least impact on the agriculturally productive use of the remainder of the parcel.
- d. The placement of development shall be set so as to minimize, as far as possible, the intrusion of any structure or improvement in scenic areas. Efforts shall be made to utilize existing vegetation as screens or buffers for development.
- e. Utility lines shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above-ground construction and routing. Above-ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.
- f. The Zoning Board of Adjustment may impose additional standards as contained elsewhere in this Zoning Bylaw in order to achieve the purposes and intent of this overlay district.

542 – Hillsides and Ridgelines. For proposed conditional uses that involve hillsides or ridgelines, the following development standards shall be met:

- a. All new land development shall be blended into the existing natural landscape so as to minimize its visual impact from public roads and lands and maintain the scenic beauty of the Utley Flats area. This shall be accomplished through one or more of the following: the appropriate location of structures on a lot; the use and long-term maintenance of vegetative screening and landscaping; the retention of mature forest cover; and/or the use of natural or earth-colored non-reflective siding and roofing materials.
- b. New development shall not cause undue alteration of the natural existing topographic patterns.
- c. Tree removal activities shall not cause undue alteration of the natural existing vegetation patterns of the ridgeline.
- d. All structures shall be placed off of ridgelines (e.g., downgrade or beyond ridgelines) so that no development shall break the skyline when viewed from public roads or lands at any time of the year.
- e. Utility lines should be constructed and routed underground where a lack of natural vegetation prevents screening or partial screening. Above-ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.
- f. Antennae, satellite dishes, wind turbines, and towers shall be carefully sited to ensure that they are not prominently visible in a manner that would detract from the scenic character of the area. Wireless telecommunication facilities must comply with all requirements of Section 440 of this Bylaw.
- g. The Zoning Board of Adjustment may impose additional standards as contained elsewhere in this Zoning Bylaw in order to achieve the purposes and intent of this overlay district.

SECTION 550: APPLICATION SUBMISSION PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USES

551 – Procedures for Conditional Uses. Application submission and approval procedures for conditional uses identified in Section 532 above shall be as set forth in Section 148 and Section 552 of these Bylaws.

552 - Application Requirements. In addition to the application submission requirements for conditional use approval (Section 148.3), an applicant for development of a conditional use located within the Utley Flats Scenic Overlay District shall submit the following information:

- a. An application shall include photographs of the land proposed for development taken from public roads and lands.
- b. For applications involving the construction or enlargement of a structure (including the installation of power lines), a drawing, sketch, or photographic simulation of the proposed structure in its finished state shall be submitted. Such drawing or simulation shall accurately depict all structures, additions, access roads or driveways, and utility lines visible from public roads or lands, and the location of existing and proposed screening vegetation.
- c. Site plans shall include information showing the location of existing vegetation, vegetation proposed to be removed, and all proposed landscaping improvements, including information regarding the type, bulk, and height of trees and shrubs at the time of planting.
- d. Site plans shall include information showing the locations, slopes, and dimensions of existing and proposed driveways and roadways.
- e. Site plans shall include information showing the size and location of existing and proposed above and below ground utility lines serving or to serve the proposed land development.

SECTION 560: CONDITIONS OF APPROVAL

The Zoning Board of Adjustment shall have the authority, if it deems it necessary, to impose conditions consistent with the purposes and intents of this overlay district upon any conditional use approval granted; such conditions may include, but are not limited to, the following:

- a. A requirement to plant and maintain for the life of the structures erected trees and other landscaping to screen the proposed land development.
- b. A requirement to maintain for the life of the structure natural or earth-colored siding and natural or earth-colored, non-reflective materials.
- c. A prohibition on the use of excessive outdoor lighting.
- d. A requirement to replace with like trees any existing tree or trees specifically required to be planted which die .
- e. A requirement to record in the Landgrove Land Records a Notice of Conditional Use Approval and its conditions, along with notice that such conditions run with the land and will remain in effect until such time as the provisions of the Landgrove Zoning Bylaws are amended in a manner which effectively nullifies those conditions.

ARTICLE VI: FLOOD HAZARD AREA REGULATIONS

SECTION 610: AUTHORIZATION AND PURPOSE

611 - Authorization. In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 §4414, and 24 VSA Chapter 59, there is hereby established a bylaw for areas at risk of flood damage in the Town of Landgrove, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

612 - Purpose. It is the purpose of this bylaw to:

- a. Implement the goals, policies, and recommendations in the current municipal plan;
- b. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
- c. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor;
- d. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Landgrove, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

613 – Other Provisions.

613.1 – Precedence of Bylaw. The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

613.2 – Validity and Severability. If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

613.3 – Warning of Disclaimer of Liability. This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Landgrove, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder

SECTION 620: LANDS TO WHICH THESE REGULATIONS APPLY

621 - Regulated Flood Hazard Area District. These regulations shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called “hazard areas”) in the Town of Landgrove, Vermont as described below. These hazard areas overlay other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

621.1 – River Corridors. The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments that are hereby adopted by reference. Where River Corridors are not mapped, the standards in Section 653 shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.

621.2 – Special Flood Hazard Area. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

622 – Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas. Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant’s responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

623 - Interpretation. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate:

- a. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Administrative Officer. If the applicant disagrees with the determination made by the Administrative Officer, a Letter of Map Amendment from FEMA shall constitute proof.
- b. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the Administrative Officer. If the applicant disagrees with the determination made by the Administrative Officer, a

letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

SECTION 630: TABLE: DEVELOPMENT REVIEW IN HAZARD AREAS

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium.

#	Activity	Hazard Zone		
		Special Flood Hazard Area	Floodway	River Corridors
	P Permitted C Conditional Use Review X Prohibited A Exempted			
1	New Structures	X	X	X
2	Storage	X	X	X
3	Improvements to Existing Structures	P, C	C	C
4	Small Accessory Structures	P	X	C
5	At Grade Parking	P	C	C
6	Replacement water supply or septic systems	C	C	C
8	Fill as needed to elevate existing structures	C	C	C
9	Fill	X	X	X
12	Grading	C	C	C
13	Road maintenance	A	A	A
14	Road improvements	C	C	C
15	Bridges and culverts	C	C	C
16	Channel management	C	C	C
17	Recreational vehicles	P	P	P
18	Open space, recreation	A	A	A
19	Forestry	A	A	A
20	Agriculture	A	A	A

SECTION 640: DEVELOPMENT REVIEW IN HAZARD AREAS

641 - Permit. A permit is required from the Administrative Officer for all development in all areas defined in Section 620. Development that requires conditional use approval, non-conforming use approval, or a variance from the Board of Adjustment under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the Administrative Officer. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section 640 and 650. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

642 – Permitted Development. For the purpose of review under these regulations, the following development activities in the Special Flood Hazard area outside of the floodway and the River Corridors, and meeting the Development Standards in Section 650, require only an administrative permit from the Administrative Officer:

- a. Non-substantial improvements;
- b. Accessory structures;
- c. Development related to on-site septic or water supply systems;
- d. Building utilities;
- e. At-grade parking for existing buildings; and,
- f. Recreational vehicles.

643 – Prohibited Development in Special Flood Hazard Area and River Corridors.

- a. New residential or non-residential structures (including the placement of manufactured homes);
- b. Storage or junk yards;
- c. New fill except as necessary to elevate structures above the base flood elevation;
- d. Accessory structures in the floodway;
- e. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
- f. All development not exempted, permitted, or conditionally permitted.

644 – Conditional Use Review. Conditional use review and approval by the Board of Adjustment, is required prior to the issuance of a permit by the Administrative Officer for the following proposed development:

- a. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- b. New or replacement storage tanks for existing structures;
- c. Improvements to existing structures in the floodway;
- d. Grading, excavation; or the creation of a pond;
- e. Improvements to existing roads;
- f. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
- g. Public utilities;
- h. Improvements to existing primary structures in the River Corridors that do not expand the footprint of the existing structure more than 500 square feet;
- i. Accessory structures in the River Corridors, of 500 square feet or less, that represent a minimal investment
- j. Building utilities in the River Corridors; and,
- k. At-grade parking for existing buildings in the River Corridors.

645 – Exempted Activities. The following are exempt from regulation under this bylaw:

- a. The removal of a building or other structure in whole or in part;
- b. Maintenance of existing roads and storm water drainage;
- c. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
- d. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures, the farmer must notify the Administrative Officer in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

646 – Variances. Variances may be granted in writing by the Board of Adjustment only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section 660.

- a. A variance for development within the River Corridors may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
- b. Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions

647 – Nonconforming Structures and Uses. The Board of Adjustment may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

- a. The proposed development is in compliance with all the Development Standards in Section 650 of this Bylaw;
- b. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
- c. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and

- d. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

SECTION 650: DEVELOPMENT STANDARDS

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

651 – Special Flood Hazard Area.

- a. All development shall be:
 - Reasonably safe from flooding;
 - Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - Constructed with materials resistant to flood damage;
 - Constructed by methods and practices that minimize flood damage;
 - Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - Adequately drained to reduce exposure to flood hazards;
 - Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
- b. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.

- c. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
- d. Non-residential structures to be substantially improved shall:
 - Meet the standards in Section 651(c); or,
 - Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- e. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- f. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall
 - Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- g. Recreational vehicles must be fully licensed and ready for highway use;
- h. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 651(f) (above).

- i. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- j. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- k. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- l. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
- m. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
- n. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.
- o. Existing buildings, including manufactured homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

652 – Floodway Areas.

- a. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:
 - Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
 - Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- b. Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

653 – River Corridors.

- a. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank;
- b. Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
- c. Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;
- d. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
- e. Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
- f. Bridge and culvert projects must have a Stream Alteration Permit; and
- g. Channel management activities must be authorized by the Agency of Natural Resources.

SECTION 660: ADMINISTRATION

661 – Application Submission Requirements. Applications for development shall include:

- a. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
- b. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit before work can begin.

662 – Referrals.

- a. Upon receipt of a complete application for a substantial improvement or new construction the Administrative Officer shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24

V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

- b. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board of Adjustment should consider comments from the NFIP Coordinator at ANR.

663 – Decisions. The Board of Adjustment shall consider comments from the NFIP Coordinator at ANR. The Board of Adjustment may recess the proceedings on any application pending submission of additional information.

664 – Records. The Administrative Officer shall properly file and maintain a record of:

- a. All permits issued in areas covered by this bylaw;
- b. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
- c. All flood proofing and other certifications required under this regulation; and,
- d. All decisions of the Board of Adjustment (including variances and violations) and all supporting findings of fact, conclusions and conditions.

SECTION 670: CERTIFICATE OF OCCUPANCY

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridors until a certificate of occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the Administrative Officer shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the Administrative Officer

fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

SECTION 680: ENFORCEMENT AND PENALTIES

- a. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA Chapter 117 § 4451, § 4452 and 24 VSA Chapter 59 §1974a. A copy of the notice of violation will be mailed the State NFIP Coordinator.
- b. If any appeals have been resolved, but the violation remains, the Administrative Officer shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- c. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

ARTICLE VII: DEFINITIONS

Except where specifically defined herein, all words used in this Bylaw shall carry their customary meaning. Words used in the present tense shall include the future; the singular includes the plural; the word "lot" includes "plot;" the word "building" includes "structure;" the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied;" "person" includes individual, partnership, association, cooperative, corporation, company, organization, or any governmental body.

Doubt as to precise meaning of a word used in this Bylaw shall be clarified by the Board of Adjustment.

ABANDONMENT: Any building or other structure that is unoccupied, untenanted, or deserted for a total of 180 days within a 240 day period.

ACCESSORY DWELLING: A dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling unit. The accessory dwelling unit shall be clearly subordinate to the primary single-family dwelling unit on the property and shall conform to all of the requirements of Section 313 of the Landgrove Zoning Bylaws.

ACCESSORY STRUCTURE: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Examples of accessory uses include, but are not limited to, a shed, detached garage, barn, or large satellite dish located on the same lot as a single-family home, or a storage shed for a commercial building.

ACRE: A measure of land area containing 43,560 square feet.

ACT: Vermont Planning and Development Act, 24 V.S.A. Section 4301 et seq.k

ADMINISTRATOR: The Federal Flood Insurance Administrator.

AFFILIATED: Two or more lots or parcels of land contiguous to each other owned, in whole or in part, in common by one person. The word "person" shall mean an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture of combine ownership.

AGRICULTURAL USE: The use of land for raising livestock, agriculture, or forest products, including farm structures and the storage of agricultural equipment, and, as an accessory use, the sale of agricultural products raised or grown on the property. Agricultural uses include, but are not limited to, production of crops, vegetables, and eggs; raising or keeping of cattle, sheep, horses, fowl, and similar animals; dairying; orchards; and maple syrup products.

ALTERATION: Exterior structural change, rearrangement, change of location, or addition to a building, and interior alterations that create another living unit.

AREA OF SPECIAL FLOOD HAZARD: Synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

BASE FLOOD ELEVATION (BFE): The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map, the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

BASEMENT: Any area of the building having its floor subgraded (below ground level) on all sides.

BED AND BREAKFAST: The renting out of not more than three (3) rooms in a residential dwelling to transient guests on a day-to-day basis, whereby breakfast is served to those guests. Bed and breakfast facilities shall be owner-occupied and owner-operated under a license issued by the Department of Labor and Industry and/or the Department of Health, and shall secure all applicable State permits. Cooking facilities shall not be provided in individual guest rooms. Accessory uses and structures shall be limited to those that do not change the residential nature of the property or character of the neighborhood.

BOARDING HOUSE (Rooming House): A dwelling in which lodging is provided by the owner or operator to more than four (4) unrelated people for profit. Boarding houses are distinguished from Motels/Hotels by the sharing of bathrooms, living rooms, and/or kitchens.

BOUNDARY LINE ADJUSTMENT: A method of adjusting boundary lines between contiguous lots without creating additional lots and without creating nonconformities in the resultant lots.

BUFFER: An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream. (*See Figure B below*)

BUILDING: A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or chattel.

BUILDING AREA: Total areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, inclusive of porches, decks, terraces, and steps. All dimensions shall be measured along exterior lines.

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face that is closest to the front lot line. This face includes decks, steps, and porches, whether enclosed or unenclosed.

BUILDING HEIGHT: The vertical distance measured from the average finished grade level (earth meeting building's foundation) to the elevation of the highest point of the roof of the building.

BULK FUEL STORAGE: The storage of chemicals, petroleum products, and other similar materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets. Bulk fuel storage is essentially a warehousing operation. Bulk fuel storage does not include the storage of cord wood.

BUSINESS OFFICE: An office from which a commercial or industrial enterprise is operated, including but not limited to a real estate office, insurance office, etc. See also *Office*.

CAMP: A single cabin, shelter, or other accommodation, located on a lot or parcel of land, which is suitable for and restricted to seasonal or temporary living purposes, and which has no plumbing or running water.

CAMPING TRAILER: See *Recreational Vehicle*.

CEMETERY: Property used for interring the dead.

CHANNEL: An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

CHANNEL WIDTH (OR BANKFULL WIDTH): The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

CLINIC: An office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments.

CHANGE OF USE: Any use that substantially differs from the previous use of building or structure, or the use of land. Change of use shall include, but shall not be limited to: change from single-family residential use to multi-family residential use; change from residential use to commercial or business use; change from one type of commercial or business use (e.g., office use) to another type of commercial use (e.g., retail use); and any change which results in significantly different traffic volumes or circulation patterns, requires increase parking, or impacts neighboring properties in a manner which is different from the previous use.

COMMERCIAL USE: Activity carried out for pecuniary gain.

COMMON PLAN OF DEVELOPMENT: Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

CONDITIONAL USE: A use permitted in a particular zoning district only upon a finding by the Zoning Board of Adjustment after public notice and public hearing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as specified in this Bylaw.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

COVERAGE: That portion of a lot that is covered by buildings, structures, and man-made improvements on the ground surface - such as paving – that prevent the absorption of storm water.

CRITICAL FACILITIES: Include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station

DEVELOPMENT: See *Land Development*.

DWELLING UNIT: One room, or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary, and sleeping facilities. It shall include prefabricated modular units, mobile homes, and guest houses, but shall not include a motel, hotel, boarding house, tourist home, or similar structure.

DWELLING, ONE-FAMILY (Single-Family): A detached building used as living quarters by one family.

DWELLING, TWO-FAMILY: A building used as living quarters by two families living independently of one another. At a minimum, units in two-family dwellings must be attached by a common vertical wall.

DWELLING, MULTI-FAMILY: A building used as living quarters by three families living independently of one another. At a minimum, units in multi-family dwellings must be attached by a common vertical wall.

EXISTING SMALL LOT: An undeveloped lot which was lawful prior to the adoption, revision, or amendment of this Bylaw, but which due to its area or dimensions fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

FAMILY: One or more persons occupying a single dwelling unit and living a single household unit.

FAMILY CHILD CARE FACILITY: Any place operated under a state family child care facility license as a business or service on a regular or continuous basis, whether for compensation or not. Its primary function is protection, care, and supervision of children under sixteen (16) years of age outside their homes for periods of less than twenty-four (24) hours a day by a person other than a child's own parent, guardian, or relative.

FARM: See *Agricultural Use*.

FIA: Federal Insurance Administration (Flood Hazard Regulations, Article VI).

FILL: Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM: See Flood Insurance Rate Map

FLOOD: (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD HAZARD AREA: Land subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A on the Flood Hazard Area Map.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of “flood”).

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their elements.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels. (*See Figure A below*)

FLUVIAL EROSION: Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

FORESTRY: Developing, caring for, or cultivating of forests, or the management and harvesting of timber.

FRONTAGE: That side of a lot that abuts either a town or state highway or easement giving access to the lot. Should a lot abut on two or more access ways, the frontage shall be that portion of the lot that lies along a public road. If a lot abuts only private accesses, the location of the frontage shall be determined by the Planning Commission (see Section 234.2 of these Bylaws).

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water.

HISTORIC STRUCTURE: Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

HOME BUSINESS: A use that meets the specific standards set out in Section 412 of this Bylaw. A home business differs from a home occupation in one or more of the following ways: it involves up to three (3) employees who are not family members living within the dwelling; it involves some additional traffic from commuting employees or shipments/deliveries, but not in a substantially greater volume than would normally be expected in the neighborhood. A home business requires a zoning permit.

HOME OCCUPATION: Any use customarily conducted entirely within a minor portion (less than 30% of livable floor space) of a dwelling and carried on only by the occupants thereof, which use is clearly incidental and secondary to the use for dwelling purposes. It must not change the character of the dwelling or neighborhood nor result in any additional traffic other than that normally generated by the residents of the dwelling. A residential dwelling may have more than one home occupation provided that *collectively* they comply with the above requirements. A home occupation does not require a zoning permit.

HOME PROFESSIONAL OFFICE: A use which meets the specific standards set out in Section 413 of this Bylaw, and further defined as a home-based business within a minor portion (less than 30% of livable floor space) of a dwelling, and consisting of the office of a practitioner of a recognized profession. The practitioner must also reside within the dwelling within which the office is located. Professionals associated with this definition include, but are not limited to doctors, dentists, architects, engineers, accountants, etc. A home professional office differs from a home business or home occupation in that traffic generated by customers or clients is anticipated on a regular basis. A home professional office requires a zoning permit.

IMPOUNDMENT: A body of water, such as a pond, confined by a dam, dike, floodgate or other barrier having a surface area of 315 square feet or more. An impoundment requires a zoning permit.

INN: A residential dwelling in design used for commercial purposes wherein the patronage is of a transitory nature, the guests being entertained from day to day. Such use must include food service for guests within the structure and may include a restaurant with or without a bar or lounge.

INDUSTRIAL USE: An activity primarily concerned with enclosed manufacturing, processing, wholesale selling, or warehousing of goods.

LAND DEVELOPMENT or DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, dredging, filling, grading, paving, drilling operations or landfill, or any change in the use of a building or other structure, or land, or extension of use of land, including but not limited to storage of equipment or materials. This definition includes all development activities listed in Section 125 of this Bylaw, specifically excluding those activities identified in Section 126.

LANDSCAPING: The addition or retention of lawns, trees, plants, and other natural and decorative features to land.

LETTER OF MAP AMENDMENT (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

LOADING SPACE: Off-street space which is at least twelve (12) feet wide and forty (40) feet long and fourteen (14) feet high, not including access driveway and having direct access to a road or alley use for the temporary location of one licensed motor vehicle.

LOT: A parcel of land undivided by any street or road, and occupied or to be occupied by only one principal structure or use and the accessory buildings or uses customarily incidental to such structures or uses. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yard and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the Planning Commission. In no case shall the division or combination of land result in the creation of a parcel that does not meet the requirements of this Bylaw, except as otherwise provided for in Section 350.

LOT AREA: The total area within the property lines, excluding any part thereof lying within the boundaries of a public road or proposed road.

LOT, CORNER: A lot of land abutting upon two or more roads at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT DEPTH: Mean horizontal distance measured from the front lot line to the rear lot line.

LOT FRONTAGE: See *Frontage*.

LOT LINES: Property lines bounding a lot.

LOT WIDTH: The distance between side lot lines, measured at right angles to lot depth, at the required front lot line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MANUFACTURED HOME (OR MOBILE HOME): A prefabricated structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. Mobile homes must meet all the standards for residential development in the district. The term “manufactured home” does not include a “recreational vehicle”.

MULTI-USE BUILDING: A single building on a lot located within the Commercial District, owned and managed by a single entity, within which is located multiple uses, and which meets the requirements of Section 231.2 of this Bylaw.

MUNICIPAL FACILITY: Municipally owned or operated buildings, structures and land and used for public purposes, including but not limited to the Town Hall, Town Garage, Town forest lands, etc.

NEW CONSTRUCTION: For regulation under this bylaw, means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

NON-AFFILIATED OWNERSHIP: See *Separate and Non-affiliated Ownership*.

NONCONFORMING/NONCOMPLYING STRUCTURE OR BUILDING (PRE-EXISTING): A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain violations and are not nonconforming structures.

NONCONFORMING LOT (PRE-EXISTING): See *Existing Small Lot*.

NONCONFORMING USE (PRE-EXISTING): Use of land or structure that does not comply with all zoning regulations for the district in which it is located, but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Administrative Officer.

NONCONFORMITY: A nonconforming use, structure, lot, or parcel.

NON-RESIDENTIAL USE: All uses of buildings, structures or land except one-family dwellings, two-family dwellings, and multi-family dwellings. Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

NURSERY/GREENHOUSE: A retail business or commercial activity concerned with the sale of tools, small equipment, plants and related goods used in gardening or farming. Related goods are defined as only those used on the plant or in its soil to preserve the life and health of the plants sold (e.g., fungicides, peat moss and mulches).

NURSING HOME: A building where persons are housed and furnished with meals and nursing or convalescent care.

OFFICE: a room or group of rooms used for conducting the affairs of a single business, profession, service, industry, charitable organization, studio or governmental agency.

PERMITTED USE: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PLANNED UNIT DEVELOPMENT: An area of contiguous land, controlled by a landowner or owners, to be developed as a single entity for two (2) or more dwelling units in two or more structures and/or commercial or industrial uses, if any, the plan for which does not correspond in lot size, lot coverage and required open space to the regulations established in any one or more districts created by this Bylaw.

PLAT: A map or chart of a subdivision with surveyed lot lines and dimensions.

POND: See *Impoundment*.

PRINCIPAL USE: The primary or predominant use of any lot. In the case of a Bed and Breakfast, Home Business, Home Professional Office or Family Child Care Facility, the principal use shall be the use of the property in its entirety, including both the residential dwelling and its business-related activity.

PROFESSIONAL OFFICE: The office of a member of a recognized profession maintained for the conduct of that profession. Professionals associated with this definition include, but are not limited to, doctors, dentists, architects, engineers, accountants, etc.

PUBLIC UTILITY: A business organization performing some public service and subject to governmental utility regulations.

PUBLIC UTILITY FACILITY: Structures used by utilities in the generation, distribution or collection of their products, including but not limited to electrical generating and transforming substations; satellite dish or antenna receivers and senders; water pumping facilities; gas tanks; and similar mechanisms. Poles, cables, pipes, mains and exchange boxes occupying no more than fifteen (15) square feet are not included.

RECREATION FACILITY: A building or use of land designed and equipped for the conduct of sports and other customary and usual recreation activities.

RECREATIONAL VEHICLE/TRAVEL TRAILER: A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use, including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

RELIGIOUS INSTITUTION: Includes a church, temple, parish house, convent, seminary, and retreat house, or any other building or use of land in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

RESIDENTIAL USE: Includes one-family dwelling, two-family dwelling, multi-family dwelling, home occupation, and family child care residential care or group homes pursuant to Sections 314 and 315 of this Bylaw.

RESTAURANT (With or Without a Bar): A structure for public eating in which the primary business is the preparation and serving of food for consumption on the premises.

RETAIL ESTABLISHMENT: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Generally, these establishments buy and receive as well as sell merchandise. This definition does not include a drive-up service, gasoline station or motor vehicle repair service, new and used car sales and service, and trailer and mobile home sales and service.

RIVER CORRIDOR: The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide. (*See Figure B below*)

ROAD GRADE: The existing grade shall be taken as the road grade.

ROAD LINE: Right-of-way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be twenty-five (25) feet from the center of the road pavement or traveled surface.

ROADSIDE AGRICULTURAL STAND: A structure not exceeding 200 square feet in area erected on-premises for the sole purpose of selling agricultural products grown on the premises.

SEPARATE AND NON-AFFILIATED OWNERSHIP: A situation wherein the owners of property do not also hold contiguous property in affiliated ownership (see definition of *Affiliated*).

SETBACKS: A line established by this Bylaw which determines the minimum horizontal distance that a structure shall be located from the center line of a legal access, or from a watercourse or adjoining property line. See *Yard, Front, Rear and Side*.

SIGN: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN AREA: The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure. When a sign has two (2) or more sides or faces placed back-to-back, the area shall be taken as the area of either side or face.

SITE PLAN: The plan for the development, including change in use, of one or more lots. Plans shall be drawn in accordance with the requirements of this Bylaw.

SPECIAL FLOOD HAZARD AREA: The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: <msc.fema.gov>. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps. (See *Figures A and B below*)

START OF CONSTRUCTION: For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

STRUCTURE: Anything constructed or erected for occupancy or use, including but not limited to a building, mobile home, trailer, satellite dish antenna, transmitter tower, in-ground swimming pool, tennis court, or signs listed in Section 374 of this Bylaw. Structure does not include: retaining walls; fences or brick or stone walls not exceeding five (5) feet in height; any agricultural fence on an operating farm; mailboxes; dog houses; clotheslines; lamp posts; and signs listed in Section 373 of this Bylaw. For the purposes of Flood Hazard Area Regulations in Article VI, a Structure is a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

SUBDIVISION: Division of any parcel of land for the purpose of conveyance, transfer of ownership, lease, improvement, building, development or sale, whereby two (2) or more lots, blocks, or parcels are created. The term “subdivision” shall include re-subdivision.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent (50%) of the market value of the structure either (a) before the change or repair is started, or (b) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement covers substantial change. For the purposes of Flood Hazard Area Regulations, *substantial improvement* refers to any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this Bylaw, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

TOP OF BANK: The vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

TRAVEL TRAILER: See *Recreational Vehicle*.

USE: The purpose for which land, premises, or a structure thereon, is designed, arranged, intended and for which it is (or may be) occupied or maintained.

VIOLATION: The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE: Any natural or artificial stream, river, or waterway in which water flows continuously in a definite direction or course, and has a definite channel, bed and banks.

WILDLIFE REFUGE: An area set aside for the conservation of plants, animals and general environment within it. These are noncommercial areas usually without any structures on them. A single parking area and walking trails are characteristic of a wildlife refuge.

YARD: Space on a lot not occupied with a building or structure. Porches and decks, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

YARD, FRONT: Area between the lot line abutting the public road or other access determined by the Planning Commission to form the lot frontage and the line of a building located on the lot. The depth of the front yard shall be measured from the center line of the road to the closest line of the building.

YARD, REAR: Area between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the closest line of the building.

YARD, SIDE: Area between the principal building or accessory building and side lot line, and extending through from the front yard to the rear yard.

Figure A

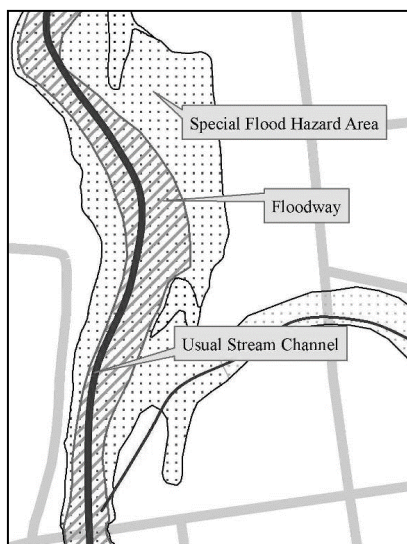
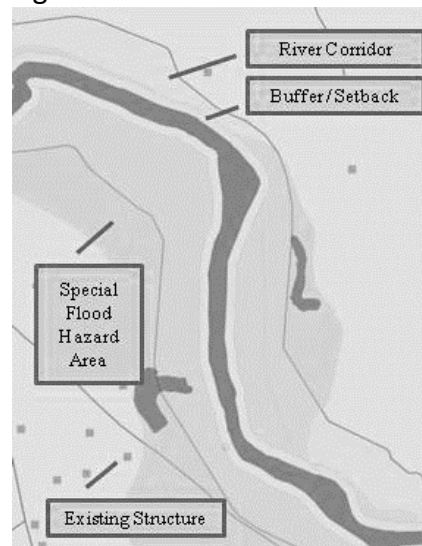
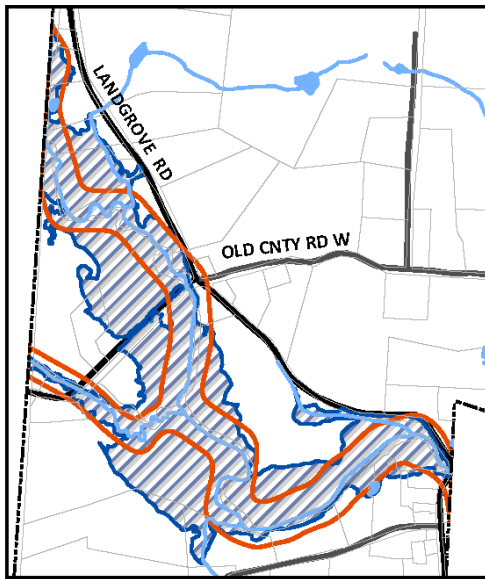


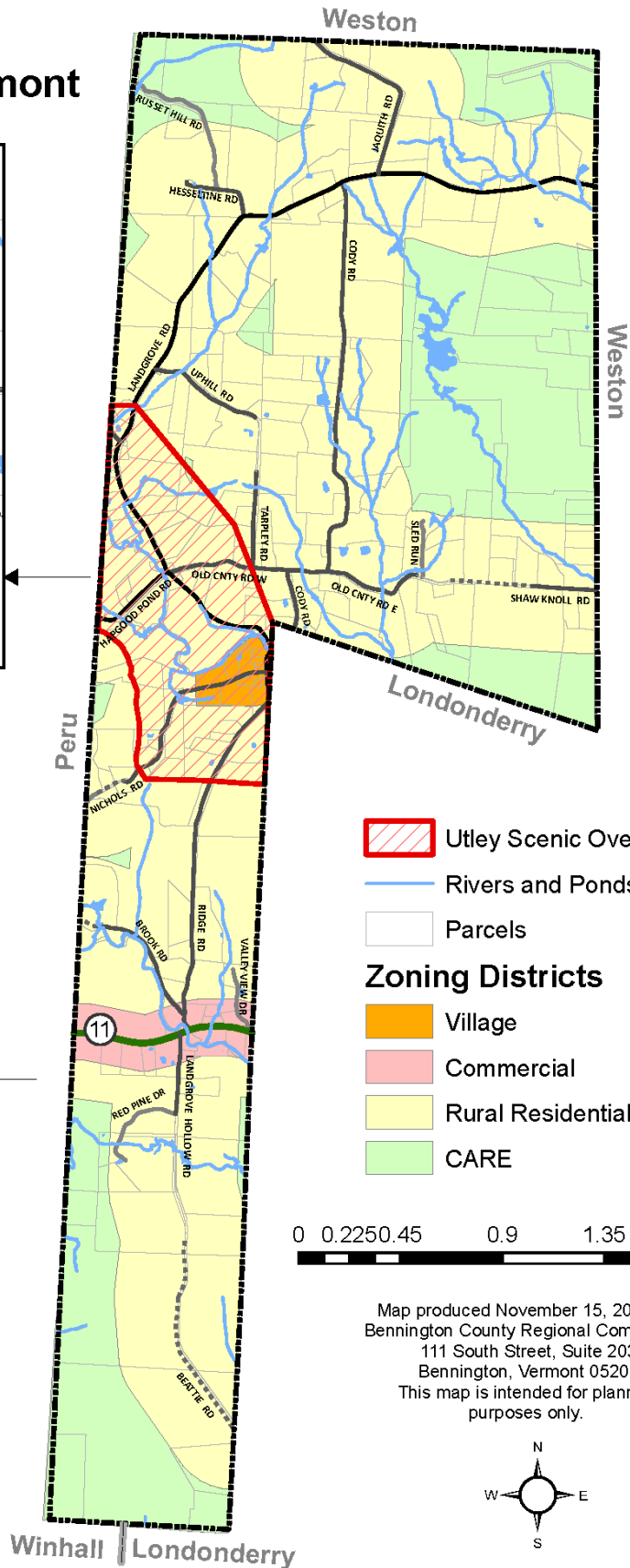
Figure B



Official Zoning Map Town of Landgrove, Vermont



Regulated Flood Hazard Area District



- Utlery Scenic Overlay
- Rivers and Ponds
- Parcels
- Zoning Districts**
- Village
- Commercial
- Rural Residential
- CARE

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Miles

Map produced November 15, 2016 by
Bennington County Regional Commission
111 South Street, Suite 203
Bennington, Vermont 05201
This map is intended for planning
purposes only.

